



## ANIMAS ROUTING/MAILING LIST

Ralph Antcil	8EPR- EP
Vern Berry	8EPR-EP
Carol Campbell	8EPR-EP
Rick Claggett	8EPR-EP
Brad Crowder	8EPR-EP
Max Dodson	8EPR
James Dunn	8EPR-EP
Sarah Fowler	8EPR-EP
Karen Hamilton	8EPR-EP
Diana Hammer	8OC
Dan Jackson	8P2-W-GW
Sandra Johnson	8OC
Victor Ketellapper	8EPR-SR
Nat Muillo	8EPR-EP
Dave Moon	8EPR-EP
Paul Osborne	8P2-W-GW
Toney Ott	8EPR-EP
Melaine Pallman	8ENF-T
Sonya Pennock	8OC
Cory Potash	8ENF-EJ
Mike Reed	8P2-W-P
Gene Reetz	8EPR-EP
Paul Rogers	8ENF-T
Mike Rudy	8ENF-T
Paula Schmittiel	8EPR-SR
Richard Sisk	8ENF-L
Pat Smith	8EPR-SA
Elyana Sutin	8ENF-L
Brent Truskowski	8EPR-EP
Bernadette Tsosie	8P2-P2
Dale Vodehnal	8EPR-SR
Rob Walline	8EPR-EP
Wes Wilson	8EPR-EP
Mike Wireman	8EPR-EP

1-1-98



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION VIII**

**999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466**

**MEMORANDUM**

**TO: Animas Team**

**FROM: Carol Russell**

**RE: Animas Information**

Remember the Animas team meeting set for **December 9 at 10:00** in the conference center. Attached is the November update with info of interest. Please take a few moments to review at least the Animas workplan to see if we have your portion correct. If not please give me a corrected copy. See you there.



*Printed on Recycled Paper*

EP Program  
Workplan

UPPER ANIMAS

FY 97 & begin 98

C. Russell, N. Miullo

Goals & Objectives	Responsible Person	Actions/ Activity	Schedule	Skills	Resources Responsible Person	LOE	\$\$\$	Accomplishments
HEADWATER STAKEHOLDER SUPPORT	B. Truskowski	319 targeting	mrrc effort on-going	project management grants management communication	B. Trusk.	0.1	grant \$74K	MRRC complete - Ann. Rpt. compl. & consist. w/ EPA req.
MINING HEADWATERS INITIATIVE SUPPORT/ACCOMPL.	J. Dunn	remediation feasibility analysis & opt.	Unknown???	project man., CERCLA mine hydrogeology, mining engr., water, GIS, etc.		0.05		recommendations for mine waste complete - project & program status defined
ENVIR. DATA GATHERING, GOOD SCIENCE	UPPER ANIMAS TEAM	Site Assessment, PA/SI, GW/SW Setters & Landfill	Disc. Dec. Finished PA/SI in progr. Deferral issues resolved by 6/97?	Project Management Contract Management Communication/Coord. Site Invest/CERCLA	P. Smith	0.1		PA /SI Compl., 6/97? Pathways Characterized Health/Envir. risks known
" "	M. Wireman	GW Protection & ceptic study in Florida	??? need dates	Hydrogeology ceptic mgmt.	M. Wireman E. Bell	0.15 ???	Trav. 350	Ground Water Quality known & impact response recommended
" "	G. Reetz S. Fowler	Partnership w/ USACE Cummm. Hydrologic Imp. Study to study gravel pits	Results from USAC Decision, Q1, fy 97	Hydrogeomorph. Hydrology, coord. ecosystem impacts	G. Reetz S. Fowler	0.15 0.2	Trav. 350	Impacts to water system/ecosystem known, data used by basin stakeholders to decide action - permit requirements known - permit decisions
Basin Coordination	B. Simon	Coordination w/ USGS on AMLI	I.D. GIS data avail. I.D. USGS sched. of activities	Coord. Communication	B. Simon C. Russell	N/A 0.05		Coordination w/ USGS on resources & Communication w/ Stakeholders
ENVIR. DATA GATHERING - GOOD SCIENCE (continued)	P. Osbourne	Hydrology Tech. Supp., Mine Plan closure - coal bed methane	??? Ask Paul	Hydrogeology	P. Osbourne	0.1		Subsurface Ecosystem Impacts known
" "	T. Sells	Data support & GIS Presentation of data	On-going	GIS, Data systems & T. Sells layers - analysis		0.1		Data support to stakeholders, good science decision making
TEAM LEADER	C. Russell	Forms, coordinates, informs an effective EPA Team approach to the Upper Animas Basin effort	Monthly mtgs. w/ Stakeholders, Lead etc. - on-going, on an as needed basis.	Facilitation, Coordin Leadership, Communication	C. Russell	0.25	Trav. 700	A highly efficient & effective team w/ all coordination w/ stakeholders & community addressed satisfactorily
CBEP & ROI proj. Management	N. Miullo	Support & facilitation as needed proj. management on ROI Grant	on-going, reports to EPA & Stakeholders fall/winter		N. Miullo	0.2	Trav. 350	Manage grant for \$75,000.00 worth of site assessment - reports out by fall or winter 97
Enforcement	M. Pallman	NPDES & State Consent Agreement w/ Sunnyside			M. Pallman P. Rogers	0.2 0.1		Follow-up to consent decree compliance
Permitting	V. Berry M. Reed	mining & reclamation permits	? ask Verne	Mine Permitting	V. Berry M. Reed	0.2 0.1	Trav. 350	Quality permit decisions - esp. on lands returned to federal land owners
Storm Water	V. Berry	Storm water issues						Protective storm water decisions
Economic Devel.	B. Crowder	Bring Sustainable development ideas & efforts to the Basin	Proj. definition by March 30	Socio, economics Sustainability	B. Crowder	0.2	Trav. 350	Explore, Identify and begin strategy for sustainable economic development

## Silverton Trip report

### Nov 20-23, 1996

Nov 20

#### **Silverton Town Council and the San Juan County**

**Commissioners** discussed ambulance service and the potential lack of night service due to budget constraints. We need to take this into account when designing field activities. After the meeting, the mayor and two county commissioners indicated their support for the Animas River Corridor Restoration proposal which was submitted for funding by the Exxon Valdez settlement dollars (see attached). Official support will be requested if the proposal is chosen. I also met with the county manager and conveyed information from Jefferson County about concurrency planning.

Nov 21

#### **Animas River Stakeholders Feasibility work group**

met and discussed various potential remediation projects. The first issue revolved around the Stormwater permits necessary for next summer's projects in the Mineral Creek drainage. Greg Parsons explained that diversions of "clean water" away from waste piles would not need permits; however any disturbance of mining waste would need to be permitted by the landowner. The pros and cons of this situation were discussed. The Regulatory subcommittee will have a conference call on Dec 5 to discuss various options.

The Department of Interior Abandoned Mine Land projects (see attached) amount to over one-million dollars of reprogrammed USGS studies taking place in the watershed. In addition, the Bureau of Land Management will be spending approximately \$250,000 in remediation of abandoned mines on federal land in the watershed next summer. This includes about \$100,000 for the Lakawanna Mill site part of the Silverton Stream restoration project.

We discussed options for funding of the Coordinator's position whose funding will run out in May 1997. Interest was in the possibility of local support with the remainder from Brownfields. We also discussed the facilitation assistance that will be needed now that CCEM is no longer assisting the project.

**Animas Stakeholders meeting's** main topic regarding EPA activities was the recommendation that the Superfund deferral be dismissed. The main concern was that they didn't want to admit that this area is of Superfund caliber. I committed to the drafting of a comfort letter to be signed by the new Regional Administrator.

Water quality standards and the Water Quality Control Commission hearings were discussed.

Updates from the feasibility group were presented and discussed (see above).

Mark Walker, CDPHE, presented information on the State's voluntary cleanup program with examples from Rico.

The next Stakeholders meeting will be January 23.

Nov 22      The **monitoring meeting** confirmed the dedication of the stakeholders to obtain quality information in a coordinated manner. Storm event sampling plan was developed as was the concept of a basin wide quality assurance plan with training (½ day presampling protocol training the day before the coordinated sampling events).

Peter Butler presented information on zinc toxicity at Bakers Bridge near Durango. Remobilization of metals by gravel mining was also discussed. The EIS or monitoring required by the Corps of Engineers should follow the Basin monitoring protocols.

The City of Silverton requested that we also take ammonium samples; we agreed.

The Biology workgroup gave their update. There will be a Animas River Biology Forum in Durango December 12? (Limited to 20 people)

I also met with Walter Rule of the **Ouray County Alliance** to discuss his perspectives on the proposed mine at the top of Red Mountain #3, the Uncompahgre River Channel restoration and the ½ million dollar remediation budget from Idarado to Ouray County. They plan to purchase open space, possibly in Ironton Park.

## Animas River Stakeholders Meeting Minutes

November 21, 1996

Facilitator - Bill Jones  
Assisted by - Steve Fearn

Attendees (18) Bill Jones (Root & Norton Labs), Steve Fearn (Silver Wing Company), Larry Perino (Sunnyside Gold Corp), Darlene Reidhead (Historical Preservation), Sara Staber (Riverwatch Network), Greg Brand (CPPHE-Durango), Chris George (St Paul Ski Lodge), Paul Krabacher (DMG), Gary Thrash (BLM), Ken Leib (USGS 970--247-4140 Ex 15), Bob Owen (CDPHE-WQCD), Stan Powers (Bu Rec Durango), Paul v. Guerard (USGS-GJ), Dave Gerhardt (USFS-Dgo), Carol Russell (EPA), Mark Walker (CDPHE-303-692-3449), Greg Parsons (CDPHE-WQCP 303-692-3585), Bill Simon (ARSG-Coordinator), Peter Butler (FOA).

### INTRODUCTION & AGENDA

Meeting was held at 6:00 pm at Silverton School Music Room. Draft agenda for this meeting was accepted. The minutes of the Sept 19, 1996 meeting were approved. One correction under Sunnyside Update is to change the name of the "Black Prince" mine portal to "Gold Prince" mine where bulkhead was built.

### OLD BUSINESS

#### Superfund Deferral -

A comment letter by Rob Robinson of BLM was reviewed. Carol Russell summarized the deferral agreement draft purpose was to state there would be no listing of the basin under CERCLA if voluntary progress continued. She noted the strong concern locally about fears of Superfund listing. The group's concern is that to get a deferral, one must essentially admit the Basin meets Superfund criteria. Also of concern was certain legal language in the deferral agreement. Therefore the formal deferral concept continues to be unacceptable to local citizens. The alternative suggested by Carol was a "comfort letter" from EPA describing their position on Superfund in the Basin. This was acceptable to the group and she will draft a letter for review at the next meeting. It was noted a formal deferral can still be done in the future if desired.

### WQCC HEARING REQUEST

Bill Simon sent a letter to Paul Frohardt, administrator of the Water Quality Control Commission 11/3/96 requesting a hearing date in November or December 1997 to request more time for local cleanup efforts prior to new goal based standards being implemented. They will probably set a hearing date in early Dec 1996. Peter Butler noted a need for a specific time frame for the requested delay period.

## COORDINATOR'S REPORT

September and October trout sampling in the Animas River was not done due to weather and streamflow problems.

Funding for the coordinator's position ran out 11/21/96 but extra funds will extend work into May 1997. EPA funding for this position is no longer available. Bill Simon requested a 3% cost of living increase from remaining funds effective 11/20/96. The group approved this increase. Alternate multiple funding sources including Basin originating funding will be sought.

The USGS has recently obtained funding to create a Biological Research Group with offices in Fort Collins, Colorado and Missouri. Bill has been working to bring them into the Stakeholder's process. A meeting is scheduled December 12th in Durango to coordinate the various biological research projects and goals of the BRG.

The Stakeholders have applied for \$150,000 grant from EPA/Exxon funds for river channeling, old town dump removal and Lackawanna Mill tailing remediation in conjunction with BLM and Town of Silverton. No match is required but the grant is a "long shot".

There is an upcoming Community Development seminar in Glenwood Springs combining environment, community development, and economics.

Two additional requests for 319 funded projects were denied due to lack of funding. 319 budget is shrinking.

## STORMWATER PERMITTING & VOLUNTARY CLEANUP

Greg Parsons reviewed the Stormwater Permit program. Sara Johnson of the WQCD is program administrator. Large cities, many industries, and construction sites over 5 acres need permits. Mining is an industry that needs stormwater permits, including inactive mines. Any property that shipped ore is a "mine". Activities limited to exploration only do not need a permit. The state does not consider inactive mines to be a high priority for enforcement at this time except at certain sites.

The permit consists of a \$50.00 annual fee and a Stormwater Management Plan based on best management practices (BMP's). These include run-on and run-off controls, and erosion controls. The site must be inspected annually by the permit holder and tri-annually by an environmental professional such as a P.E. A summary report of the plan is due tri-annually. The permit will be released when all mined products are removed from the site and/or completely reclaimed with 40% vegetative cover.

This program has a direct effect on Stakeholder activities and volunteer cleanup efforts. Greg noted any project using federal funds must have a Stormwater permit prior to work. Any voluntary work touching mine waste will need one. The permit will be held by

the property owner and will continue in the future unless the site is fully reclaimed sufficient to release the permit. This may be a disincentive to a property owner due to cost. On the other hand not getting a permit if needed puts an owner in violation with the potential for enforcement actions. However, a limited amount of run-on control work not touching mine waste may be exempt from permitting if under 5 acres. Each site will have to be evaluated. It is unclear if Federally owned sites need a permit as agencies have differing opinions.

Greg Parsons noted he has begun discussions within the Division, and with San Juan County officials and with the SJ County Historical Society about a single general permit for listed high value historic sites in the county. The County or the Society would be the permit holder and "operator". Physical stormwater controls would be constructed on the sites leaving historic features intact.

#### STATE VOLUNTARY CLEANUP PROGRAM

Mark Walker explained the state's recent Voluntary Cleanup program that was authorized by law in 1994. It is to foster clean-up and re-use of sites not already covered under an existing regulatory framework such as RCRA, CERCLA, UST, NLP listed, Circlist, or Clean Water Act sites.

The site owner initiates the process by submitting a cleanup plan to the state. There is a \$2,000 fee and a 45 day streamlined approval. The amount of cleanup is based on perceived risks and intended land use. Risks must be defined but a determination of "no action" is an option. After clean-up, the state gives a strong approval letter stating the site is not a health risk for the proposed land use. Subsequently a letter from EPA agreeing not to sue under CERCLA can be obtained and/or removal from the Circlist. The incentive is to gain regulatory approval for new use and clear the way for bank financing. Note that other permits such as Stormwater or NPDES discharge permits are still required if applicable but this program gives added benefits over other more limited programs such as Stormwater.

ARCO's Rico Colorado project is the largest mining related project under the program. 65 sites have been cleaned up including wood products & treatment, metal mining, petroleum, solvents, and mixed waste (landfills). ARCO's work included moving tailings out of water, capping waste piles, and run-on/run-off controls. Acid Mine Drainage or discharges are not covered by this program. ARCO will monitor for 2 years to prove non-degradation. The program offers quick permit approval and CERCLA protection. Costs are lower including fees, (\$4,000 total with EPA fee), site assessment by an environmental professional, and clean up work.

These costs may be excessive to many non-corporate property owners with limited funds. The costs must be weighed against the increase in land value resulting from the programs.



## STAKEHOLDER MEETING FACILITATOR POSITION

The Colorado Center for Environmental Management will no longer provide meeting facilitator, copy and mail packet information, take minutes for the Stakeholder meetings, and coordinate conferencing. The Stakeholders asked Bill Simon to send a thank you letter and express the group's desire for CCEM to stay involved as much as possible. The group will have to contract out these services.

A \$20,000 grant administered through the San Juan RC&D has been received for a paid facilitator. It is proposed this amount will be split \$5,000 for expenses and \$5,000 for labor annually at a rate of \$360 per month. This assumes 30 hours per month at \$12.00/hr. Initially it was hoped to hire an employee but it will have to be done as a professional services contract instead due to the manner of funding. The contractor will have to absorb expenses and bill monthly with payment in 30 days thereafter, a four month lag time. It was suggested to advertising the position as an RFP (Request for Proposals) which the group approved.

## FEASIBILITY WORK GROUP

A major problem continues to be the lack of a "Good Samaritan" law making significant hydrologic control work by the group legally impossible. Acid Mine Drainage is also a problem within this regulatory framework. For example, tailings removed from BLM sites cannot be taken to any existing tailing facility due to permitting restrictions. A Regulatory Committee will look at these issues. Members are: Larry Parino, Bill Jones, Steve Fearn, Greg Parsons, Vern Barry, Rob Robinson, Bill Wilson, and Peter Butler. This Committee will tele-conference Dec 5th at 1:30 pm. This group will also work with the Western Governor's Association proposal.

## UPDATES

USGS tracer injection studies will have a report in the spring of 1997.

Ted Toms of Howardsville wrote a letter to EPA director Carol Browner complaining about inaccurate facts in EPA reports. A copy of this letter and her response will be in the next meeting packet.

Biomonitoring project which received a \$45,000 grant is proceeding with USFS adding \$10,000 and DOW doing water analysis. This is being combined with the USFS Limiting Factors Assessment study for a total budget of \$87,000. Dave Gerhardt reviewed the project which will establish baseline data for section 4-A and on to the stateline. More field work will be done spring and fall 1997.

## ABANDONED MINE LAND INITIATIVE (AML) - Dept of Interior

Paul von Guerard described the USGS role in this new project just funded by Congress. It will include the Animas Watershed as one one

of two 5 year pilot study areas (the other is Butte Montana). The project goal is to develop effective cost efficient remediation techniques. The AML project has benefitted from the Animas River Stakeholder process. It has both one year and 5 year plan components. It will take a watershed approach using practical applied science with minimal research. It will include a statewide watershed prioritization, watershed characterization, site characterization, and monitoring. The AML work will be coordinated with the Stakeholder's work.

Work elements will include Data Inventory, Baseline Cartographic Data, Geology, Water Quality, Sediment Characterization, Biota and Ecosystem Quality, Process Interpretation and Analysis, and Coordination with other groups.

#### NEXT MEETING

Scheduled for Thursday, January 23, 1996 with Terry Morris as facilitator assisted by Bill Jones. Topics to include results of Dec 12 BWG meeting, Regulatory committee issues, and co-ordinator position funding. Other issues to be determined.

W R Jones  
ars11-21.doc wp 5.1

**Silverton**

travel guide

## DESTINATION SILVERTON

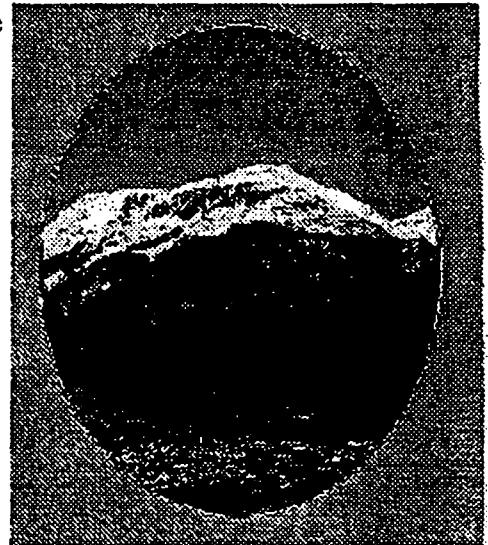
Nestled high in the heart of the San Juan Mountains, the town of Silverton's unique mining history, Victorian charm and unequalled natural beauty provides an ideal base for your summer or winter explorations. Reached by US 550, Silverton rests at an elevation of 9,318 feet. Silverton is the only community (population 500) in San Juan County and hosts both Town and County government, as well as an excellent school system, pre-school through 12th grade. 95% of the land in San Juan County is public land.

Whether by scenic Narrow Gauge, jeep, helicopter, horseback, bike or on foot, explore the unspoiled wilderness and historic mining ghost towns just outside your hotel door. Explore the back country, fish in our high mountain streams or lakes or picnic in view of an historic mine site (please remember to tread lightly and help preserve our heritage). Silverton offers romantic Victorian to modern accommodations and dining. Don't miss a visit to historic downtown Silverton and the infamous Blair Street bordello district, featuring unique gift shops and local arts and crafts. Join the locals in one of our community events rich in history and true American culture.

In Winter, we participate in many activities including alpine and cross country skiing, ice fishing, ice climbing, ice skating and snowmobiling as well as many community oriented activities.

Purgatory Ski Resort is located just 23 miles south, Telluride Ski Resort 75 miles to the north and west.

Detailed information on any of these subjects is readily available - just give us a call. Silverton Chamber of Commerce: (970) 387-5654 or 800-752-4494



## Welcome - Enjoy - Come back soon!

● Things To See & Do

● Environment

**Summary of the  
Animas Stakeholders Group Meeting  
Silverton, Colorado September 19, 1996**

**Attendees (26):** Greg Brand (CDPHE-WQ District Engr.), Durango; Ted Toms, Howardsville; Chris George (St. Paul Lodge--Red Mtn Pass), Silverton; Sara Staber (RW Network), Durango; Gary Thrash (BLM), Durango; Beverly Rich (San Juan Cty Hist Soc.), Silverton; Bill Wilson (Gold King Mines Corp.), Denver; Bob Owens (CDPHE), Denver; Carol Russel (EPA), Denver; Victor Ketellapper (EPA), Denver; Mike Baum (MRRC), Price, Utah; Katherine Foster (San Juan Nat. Forest), Durango; Paul Krabacher (CDMG), Grand Jct.; Bill Jones (Root & Norton Labs), Montrose; Paul von Guerard (USGS), Grand Jct.; Win Wright (USGS), Durango; Greg Parsons (CDPHE--WQCD), Denver; Richard Perino (San Juan County Commissioner), Silverton; Geoff & Alice Dates (RW Network), Hardland, VT; Kristie Arrington (BLM), Durango; Jim Melcher (Melcher Bros. Inc.), Silverton; Bill Melcher (Melcher Bros. Inc.), Silverton; Terry Morris (Sunnyside Gold Co.), Silverton; Peter Butler (FOAR), Durango; Steve Fearn (Silver Wing Co.), Silverton.

### **Introduction and Agenda**

The proposed agenda was reviewed and accepted. Minutes of the August 1, 1996 meeting were reviewed and accepted. Steve Fearn was the Facilitator for this meeting, assisted by Peter Butler.

### **Project Updates and Field Activities**

#### *Cement Creek Studies*

Win Wright advised that the tracer studies were on-going in Cement Creek with work being conducted both above and below the American Tunnel. Paul Krabacher indicated that the site characterization studies had been put off, in part due to weather conditions.

#### *Hydrological Control Projects*

These have been cancelled for the year for a number of reasons, including permitting issues. These funds are available for projects next year. Amongst the permitting issues is the question of whether a storm water permit is required before hydrological control work can proceed on a particular site; what would be required for the owner to close the permit; is a special limited permit available; how will EPA and CDPH&E view this work. This will be researched through the Monitoring and Feasibility Workgroups with the CDPH&E.

#### *Biomonitoring Project*     *from EPA Ecosystems Protection Initiative.*

The Biomonitoring project was reported on from the Monitoring workgroup. The project needs to cover the length of the Animas River to the State line; needs to establish baseline data; and, has been funded in the recent grant award. The Forest Service will do analysis of macro invertebrates. Forty-five sites have been selected, focusing on the upper Animas. The NBS is starting to become involved; concerns were expressed that their work<sup>54</sup> could be integrated with the stakeholder programs.

#### *Sunnyside Update*

Terry Morris reported that the valve in the American Tunnel had been closed and that upper Cement Creek had been diverted and was being treated in the American Tunnel Water Treatment Plant. The lime injection program is about completed for this year with 400 tons of lime being injected at the top of the mine. Injection will continue as long as weather permits. Preparations are underway to install a bulkhead in the Black Prince portal (180' inside); the Koehler tunnel has been opened; plans call for water to be piped around the dump. Approximately 80,000 cu yds of tailings have been removed from the old Eureka tailings pond and placed in

tailings pond No. 4. Some concerns were expressed by stakeholders on impact to the river if the river were to break thru the berm into the removal area. This needs to be monitored to learn about effects on the river.

#### *Other Items*

*Eureka*

A proposed low flow monitoring project on the Animas River between Eureka and Howardsville was shelved due to the late August and early September rains. Discussion ensued concerning the need and results of such a project. Discussion was held regarding the need and format for a Stakeholders report to the public.

#### **MRRC Report—Update on the Sunbank Project**

Mike Baum reported on the status of the Sunbank Project in Placer Gulch. The project placed bulkheads to minimize drainage from the adit; consolidated and planted old mine dump material including removal from the stream bed; diverted runoff and mine drainage water around the dumps; and, established settling ponds below the dumps and adit. Concerns were expressed that the ponds and dump movement had created a "muddy mess" along the road. MRRC indicated that they would work with the County next season to address this problem. Results to date include improvement (increase) in stream pH and the absence of the red and white stains in the creek.

#### **BLM Sound Democrat Preservation and other Cultural Enhancement Activities**

BLM Archeologist Kristie Arrington reviewed activities in the Animas river basin. Over 100 sites over 50 years old have been mapped in the Animas Watershed. This work was started in the early 1980's; policies have been established for recording and preserving sites; sites are preserved through records, structural features and public education. Main concerns are driven by recreational users. Sites are listed with priorities for work. The Sound Democrat Mill in Placer Gulch is an important site for treatment (stabilization), since it is largely intact, including some equipment. Work has been ongoing on this site for 4 years with materials supplied by the BLM and volunteer work. Close coordination exists with the San Juan County Historical Society on various projects.

#### **Historic Preservation Issues and Reclamation of Mine Sites**

Bill Jones presented issues regarding conflicts that exist between loss of historic and cultural values and the need for historic mine site reclamation resulting from water quality values. This has developed into a significant issue that emphasizes conflicts among local citizens, land owners, and local, state and federal governmental agencies. Bill Jones focused on ways of developing criteria to guide the nature and amount of disturbance required for reclamation work on a site by site basis. The criteria were driven by a comparison of WATER QUALITY ASSETS vs HISTORIC AND CULTURAL ASSETS and the need to find a balance between the two. Water quality assets include the need for clean water for community uses and the need to meet regulations required to keep water clean. Historic and cultural assets include impacts on economic, recreational (and tourism) and social values of the community. The amount and type of reclamation at any specific site needs to be balanced against the measurable benefit of improvement of water quality. Sites can be categorized by: a) high historic value/low environmental benefit; b) low historical value/high environmental benefit; or, c) high historical value/high environmental benefit. Priorities for categories a and b are relatively straight forward. Category c will require imaginative approaches to meet both requirements.

#### **Coordinator's Report**

Bill Simon summarized the Coordinator's Report. He requested that some stakeholders come to the San Juan RC&D annual meeting to assist him in a presentation. October 1 was set as a target sampling date for Cement Creek. Bill advised that the EPA grant requests were all routed through the EPA Ecosystem's

*for future biological studies*

Initiative and that the stakeholders were awarded \$75,000 to use on the projects as prioritized by the stakeholders. The recommendation from the Feasibility Workgroup was for the biological monitoring and facilitation assistance to be fully funded and the background studies to be partially funded. The group generally approved this allocation. Bill expressed concern that no hydrological work had been accomplished this year and emphasized the need to get work done on the ground. Support was requested for a cooperative agreement between the Stakeholders, Forest Service and BLMA. Bill Simon was directed to sign such an agreement for the Stakeholders. Bill was directed to request a hearing before the Water Quality Control Commission to consider delaying implementation of the March 1988 standards.

#### Other Items

Sarah Staber presented a summary for possible use of GoCo funds. The next meeting of Stakeholders was set for November 21 in Silverton. Future agenda items should include Colorado Voluntary Cleanup Legislation; Stormwater Permits; and, Facilitation Assistance.

Animas Watershed Coordinator  
Report for Sept. 15 - Nov. 20, 1996

- flew to Denver to attend EPA conference on community stakeholder initiatives, however the flight was rerouted and delayed. Got to Denver after the conference had ended. The next day gave presentations before the State 319 Task Force for funding of the Upper Animas Characterization project and the Cement Creek Mine Waste Hydrological Control project.
- returned to Durango to attend SJRC&D meeting and give stakeholder update
- helped develop a cooperative agreement between the Forest Service, BLM, State of Colorado and SJRC&D (ARSG) for funding of Biomonitoring and Limiting Factors Analysis projects being developed by the Biology Work Group
- Organized and attended numerous Biology Work Group meeting in Durango to initiate the biomonitoring program. Secured funding, helped with the QAPP approval, wrote contract for SJRC &D involvement.
- Coordinated with the Biology Resource Division (BRD-previously the NBS) to help with initial field trips and updates of stakeholder activities.  
Determined a need for a Biology Forum to get all parties on the same page and striving to attain Stakeholder goals. Forum is currently scheduled for Dec. 12, 1996. This coordinator will be responsible to see the forum be accomplished.
- Biomonitoring Program initiated with the first round of sampling at 45 locations throughout the Animas Watershed. Assisted with the logistics of getting this project initiated including transportation arrangements in the Animas canyon and permission from land owners in the lower reaches of the River.
- have review numerous papers relating to AML initiative and project sponsors past research efforts as well as updating myself on methods proposed for current projects.
- attended the SJRC&D annual meeting and gave presentation on ARSG activities along with assistance from Steve Fearn and Peter Butler
- assisted with coordination of the Cement Creek characterization sampling effort and participated with sampling. Silverton High School students also participated
- Coordinated two efforts at trout electro-shocking in the Upper Basin and the 4A segments with DOW, FS, BLM, BOR and others. Both efforts had to be called off as river levels were over twice the average flows and results would not have been comparable to earlier monitoring efforts. The agencies are committed try again next year.
- the AWC has followed the permitting issues for gravel mining in the lower Animas. New general and special conditions from both the Army Corps and the CDPHE Water Quality Division will be imposed, including water monitoring requirements (including metals).
- Helped organize an Animas Resource Group meeting in Denver to discuss numerous topics including ARSG updates, SGC activities, stormwater permit issues, and consequences and extent of the AML Initiative which has been funded and has begun in the Animas Watershed.]
- The funding proposals for NPS 319 consideration were not funded. After investigation it seems the Characterization project was second on the list for funding of mine related projects but funds were not available. Only half as much money was available as last year. The hydrological project faired poorly in the ranking process apparently indicating reluctance to fund a project that may not demonstrate separate water quality improvements over the efforts of SGC. It is anticipated that funds available next year will be substantially more but it appears only the best projects stand a chance. We need to do our homework!!!
- attended a one day training session on Compatible Community Development which was sponsored by The Nature Conservancy and the EPA. I was able to take three other

participants from the watershed. The Silverton delegate had a last minute change of plans but Peter Bufler and Shirley Baty (La Plata County Commissioner) were able to attend. All involved considered our time well spent--later we discussed Silverton and how it may benefit from this approach which builds upon the theme that a prosperous society is dependent upon a healthy community, economy and environment. It seeks to demonstrate that we can improve the quality of life in our communities by focusing on our local assets--the people, natural resources, ecological systems, small businesses, products and processes, culture and heritage unique to the places where we live.

- assisted various project proponents of the AML to obtain information, access to historical archives, and project study sites. Met with many various AML Initiative personnel obtaining information and understanding of future projects.
- gave presentation to the State Board of RC&D at its annual meeting held in Silverton. The following day gave a tour of ARSG projects and issues. Larry Perino gave a talk on SGC remediation activities in the basin.
- Met with the Army Corp of Engineers over concerns the Town of Silverton has about the 14th Street bridge on the Animas. The USGS gauge is immediately below the bridge. The Town has asked if the ARSG could encourage the monitoring of ammonia. Request will be addressed in upcoming monitoring meeting. Preliminary indications from spotty sampling indicates levels may substantially exceed State standards.
- gave ARSG update presentation to the Silverton town board.
- received work the BLM received \$350,000 for the Animas AML Initiative. However, \$50,000 ended up in Telluride, \$50,000 somewhere else, and the local BLM office seems to have ended up with \$250,000. Of this \$150,000 is slated for remediation activities, \$50,000 for biological monitoring/studies, and \$50,000 for additional characterization work on BLM sites.
- Have talked with Diane McKnight, Engineering Dept. at U. of Colo. (formerly with the USGS) about initiating student programs in the basin which would evaluate existing periphyton conditions throughout the watershed. Will meet again in Dec. She will be working with NSTAR which developed the Avalanche Maps for San Juan County back in the late 70's. Looks like they may be returning.
- have spoken with AML personnel and Silverton school teacher about programs to get the science being done in the basin into the class room and the classes into the field. Support is strong and various avenues will be pursued.
- wrote and obtained approval for a new contract extension for AWC position
- wrote various letters of support for special interest groups for funding
- interviewed with Georgetown University Law School concerning the ARSG and a nation wide study of stakeholders groups, provided other key people to interview.
- created a list of potential projects for an EPA funding mechanism using Exxon's Valdez spill clean up money for restoration. Polled stakeholders for other suggestions and narrowed the list of possible candidate projects to one--I'll now sign off for this month so I can get to writing the application before the 48 hour lead time period is up!



**PROJECT TITLE:** ANIMAS RIVER CORRIDOR RESTORATION

**NAME AND ADDRESS OF LEAD PROJECT SPONSOR**

San Juan Resource, Conservation and Development Council  
31 Suttle  
Durango, CO 81301

**CONTACT PERSON:** Bill Simon      Phone and Fax: (970) 385-4138

**SUMMARY OF GOALS:**

This project will restore the geomorphologic form and function of the Animas River and its associated riparian elements to near natural conditions throughout the river corridor through Silverton, Colorado. This will necessitate the removal of mine tailings, portions of an old dump which lies within the flood plain, the re-establishment of the historic river channel, and the revegetation of all disturbed areas.

**STATEMENT OF NEED:**

The San Juan Resource, Conservation and Development Council (SJRC&D) acts to implement projects developed and prioritized by the Animas River Stakeholders Group (ARSG). The ARSG has the mission of improving water quality and aquatic habitat in the Animas watershed (please see pamphlet for further description). The ARSG has been empowered by the Colorado Water Quality Commission, the body responsible in Colorado to ensure that all provisions of the Clean Water Act met, to develop remediation plans and implement projects which would substantially improve the present physical, biological and chemical conditions of the riverine ecosystem. Its interests are currently, particularly focused on improving conditions which have been severely impacted by historic mining practices, including the contamination of waters by metals from mine wastes and acid mine drainage. While Stakeholders efforts are quite broad in scope, individual projects are selected for implementation through a rigorous process of prioritization based upon feasibility, cost effectiveness, funding availability, severity of impacts, and other factors. This request for funds is for a project which will substantially improve water quality, physical habitat and aesthetics of a heavily impacted area which is the gateway to our community. It is designed such that through the use of volunteer efforts a sense of community stewardship and pride will also be developed, necessary to maintain this improved feature. It will serve as an example of restoration of a mine impacted river to the over 200,000 visitors per year who enter the town on the historic narrow gauge railway which is immediately adjacent the project site.

**DESCRIPTION OF PROJECT**

The project will be a collaborative effort utilizing the resources of the BLM, Town of Silverton, EPA, San Juan County, and community volunteers with the oversight of the ARSG and its administrator, the SJRC&D.

**PROJECT GOALS AND OBJECTIVES**

To remove wastes presently contaminating waters of the Animas River as they flow through the Town of Silverton area, and to re-establish a near natural, aesthetically pleasing and functional environment to be appreciated by aquatic and riparian life forms, local residents, and the large number of tourists who enter this area by narrow gauge railroad. The following objectives will be accomplished:

- OBJECTIVE 1.      Excavation and disposal of mill tailings from the Lukawanna Mill Site which presently residing on public (BLM) land.
- OBJECTIVE 2.      Removal and grading of the old town dumpsite which presently lies within the flood plain (even below bankfull stage in some locations). This is public (BLM) land too.

**OBJECTIVE 3.** Restoration the historic stream channel and associated flood plain to create a channel which functions to carry the sediment loads and discharge flows, while providing improved trout habitat and recreational opportunities.

**OBJECTIVE 4.** Revegetation of all previously and newly disturbed areas created through this remediation effort. Revegetation will include a native riparian tree and shrub overstory and an herbaceous understory.

These objectives will be tied into previous and continuing site characterization and habitat evaluations in the area. Any further site designs will be accomplished from participating entities other than the EPA. With the funds requested, plus match funds from other sources this project will be completed in its entirety.

#### **PARTNERS/TRACT RECORD/RESPONSIBILITIES**

All partners in this project have worked together over the past two to five years to monitor the biologic, physical and chemical components of the Upper Animas Watershed. During the past two years extensive site characterizations have led to the remediation planning and site prioritization. In addition, several separate and discrete remediation projects are underway and/or have been contracted by the ARSG or individual but active Stakeholder participants. This includes a commitment by Sunnyside Gold Corporation for approximately \$10 million of remediation on their sites and those of other participating land owners, remediation of four mine waste sites on public and private lands which will undergo hydrological modifications to minimize storm water contamination, and continuing remediation of other privately held sites by ARSG participants.

OBJECTIVE	RESPONSIBLE PARTY
1. Tailings removal	BLM (using Abandoned Mines Lands initiative funds)
2. Dumpsite cleanup	*ARSG and partners
3. Stream restoration	BLM primary sponsor with assistance from Town of Silverton, ARSG
4. Riparian revegetation	*ARSG and partners

\* ARSG, through the use of the administrative abilities of SJRC&D, will involve contractors as well as volunteers, including local residents, school students, and stakeholders, to accomplish these tasks

EPA FUNDS REQUESTED:	\$150,000
STAKEHOLDER MATCHING FUNDS:	15,000
OTHER FEDERAL SOURCES AVAILABLE:	100,000
TOTAL PROJECT COST:	\$250,000

# FY 1997 USGS ANIMAS BASIN PROJECTS (WRD, NMD, GD, AND BRD) as of Nov. 11, 1996

These are not given by actual title, instead I have gleaned various sources and put this list together to help understand the scope of the studies currently on line. This is not a complete listing.

## WATER RESOURCE DIVISION:

- ☐ Background Metal Contaminants from Non-Human Sources (throughout Cement Creek and the Upper Animas) Winn Wright
- ☐ Tracer Injection Study: Use of an injected tracer into various basin streams to determine more precisely contributing sources of contamination. (continued and expanded) Brian Kimball
- ☐ Gauging Stations - Continued Operation
- ☐ Seasonal Variation in Dissolved and Colloidal Metal Loads. Variations in Colloid and Bed Sediment Chemistry Wright and Kimball
- ☐ Effects of Mine Dumps on Water Chemistry Winn Wright  
(in conjunction with Smith's work -GD)
- ☐ Initiate Model to calculate Pre-Mining Background and Water Chemistry

## GEOLOGIC DIVISION:

- ☐ Geophysical Characterization of Mine Waste Filterman
- ☐ Leach Protocol for the Determination of Metal Mobility from Mine Wastes Montour
- ☐ Geoavailability/Weathering Studies and Geochemical Modeling K. Smith
- ☐ Role of Biocatalytic Processes in the Alteration of Mine Wastes Stanton
- ☐ Locating Point Sources of Acid Mine Drainage using Imaging Spectroscopy Swayze
- ☐ Mine Integrated Mine Waste Signatures Vaughn
- ☐ Remediation of Stormwater Runoff Crock and Desborough

NOTE: Many of above projects seem to be targeted (and some are on-going) in Leadville but will spill over into the Animas. Not all funds are derived from the AML Initiative.

- ☐ Digitization and Edge Matching of Existing Geologic Map (Animas) D. Yager, Bove
- ☐ ARC/INFO Coverage of Geologic Base Map (Animas) D. Yager
- ☐ Preliminary Map of Surface Mineralogy/Lithology (Animas) T. King
- ☐ a half dozen or more smaller projects for the Animas (see one year plan)

## NATIONAL MAPPING DIVISION

- ☐ Development of Cartographic Data Bases and Base Map Jack Fordham
- ☐ Data Management J. Fordham

Note: other projects such as sulfate distribution mapping has been mentioned but I do not have any detailed proposals of projects from the NMD

## BIOLOGICAL RESOURCE DIVISION

- ☐ Physical Habitat Evaluations for Invertebrates and Fish B. Milhous
- ☐ Toxicological Screening of the Animas River (Silverton to Durango) ( Uses daphnids, fathead minnows, amphipods in-situ) D. Nimmo, J Castle
- ☐ Accumulation of Metals in Aquatic Food Webs J. Besser
- ☐ Biotic Associations Analysis to Geomorphology, Water and Sediment Chemistry (through the use of multivariate , canonical correlation analysis) T. Boyle
- ☐ Riparian restoration analysis (proposed only) L. Ishinger

## Historic Hardrock Mining/Watershed Cleanup

### Colorado Pilot - Upper Animas River

Authorized Funding - \$250,000

Program Leads: Rob Robinson, Colorado State Office, 303-239-3642  
Jerry Jones, Montrose District Office, 700-859-1371  
Gary Thrash, San Juan Resource Area, 700-322-7208

#### Planned Projects:

1. Lakawanna Mill Tailings Removal \$110,000

This funding will be used to remove the Lakawanna mill tailings. The Lakawanna mill tailings is a small site approximately  $\frac{1}{2}$  acre in size located about  $\frac{1}{4}$  mile east of Silverton, CO. The tailings range in depth from 1.5 to 5.5 feet. The tailings are located adjacent to an area that the town of Silverton is developing as a park. Characterization and mapping of the site are currently underway by USGS and BLM. The tailings will be removed and disposed in an engineered landfill preferably off-site. After tailings removal, the surface will be restored to a wetland environment by regrading the surface to approximate original contours and revegetating with appropriate native species. Work includes cultural analysis, NEPA compliance, and project engineering.

2. Portal Rehabilitation - Joe & John Tunnel and Forest Queen \$40,000

This funding will be used to reopen the collapsed portals of the Joe & John Tunnel and the Forest Queen mine. These two mines discharge acidic heavy-metal water through debris in their collapsed portals, and the mines have been identified as high priority cleanup sites. This project will reopen and stabilize the mine portals, and confine the diffuse discharge to a single point discharge with bulkheads and piping. The work is required in preparation for treating the discharge. Planning and engineering of discharge treatment cannot proceed until the quantity and quality of the discharge is known more precisely. Work includes cultural analysis, NEPA compliance, and engineering of portal bulkheads.

3. Mine Waste Characterization \$50,000

This funding will be used for drilling mine wastes to take samples, laboratory analysis of samples, installation of lysimeters, and other data collection expenses. USGS will provide professional expertise for this characterization. Runoff from mine wastes is a significant source of water pollution in the upper Animas River watershed.

4. Aquatic & Riparian Habitat Assessment \$50,000

This funding will be used to further understanding of the biological damages caused by polluted waters and the possibilities for restoration of the damaged aquatic and riparian habitats. Necessary studies include baseline monitoring, habitat characterization, geomorphology, limiting factor analysis, restoration attainability, food chain analysis, and other site specific studies. This funding is not adequate to complete the necessary work. Matching funds will be solicited from USDA-FS, Colorado State agencies, Animas River Stakeholder Group, and other sources.

Other supporting projects funded by other accounts:

5. Animas River Gorge Biological Assessment \$22,000

The Animas River gorge below Silverton is the compliance point imposed by the Colorado Water Quality Control Commission for cleanup of the upper Animas River. This study is similar to 4. except that it is limited to the gorge. A multi-agency agreement has been completed, and the above \$22,000 is the BLM contribution of work months and expenses.

6. Year Round Discharge Sampling - Evelyne and Forest Queen \$10,000

Thus far discharge from the BLM high priority sites has occurred only in the summer season. The Evelyne and Forest Queen sites are moving toward remediation, and for engineering design purposes the seasonal variations in discharge quantity and quality must be sampled and analyzed.

7. Historic Mine Bat Survey \$5,000

Historic mines on public lands in the upper Animas River watershed will be surveyed for bat habitats. Survey results will determine mine openings that will be closed with bat gates rather than more permanent closure methods.

8. Conceptual Mitigation Engineering - Joe & John Tunnel, Evelyne, and Forest Queen \$50,000

This project will provide conceptual engineering and preliminary cost estimates for treating the acidic heavy-metal water that is discharging from mine openings at the three sites.

## SUMMARY OF SAMPLING MEETING FOR ARSG

WHEN: OCTOBER 9, 1996

WHERE: AT THE SILVERTON SCHOOL

ATTENDEES:	RIVER WATCH	JANET O'LEARY
	SUNNYSIDE	LARRY PERINO
	BOR	PHIL ALCON
	USGS	DAVID GREY, KEN LIEB, PAUL VON GUERARD, WIN WRIGHT

During the last meeting of the ARSG monitoring committee Paul von Guerard volunteered to assemble all of those involved in water-quality sampling at the four streamgages to coordinate sample collection, and discuss QA/QC procedures. The meeting began with a discussion of sampling frequency. Dave Grey handed out calendars for October 1996 through September 1997. The group used these calendars to schedule sample collection. Sampling frequencies and a general list of constituents collected by the different groups is as follows:

River Watch collects samples monthly September through February, twice monthly in March and August, three times a month in April and July, and four times a month in May and June at Animas River above Silverton, Cement Creek, and Mineral Creek. River watch collects samples for total and dissolved metals and measures the parameters pH, water temperature, dissolved oxygen, alkalinity and hardness. River Watch uses the ~~EPA~~ <sup>POW</sup> lab in Ft Collins

Sunnyside samples at all 4 gaging stations every other month. Samples are collected for dissolved aluminium, maganese, lead, iron, copper, zinc, and hardness and for the parameters specific conductance and water temperature. Sunnyside lab is IML.

BOR samples at the Animas River above Silverton, Cement Creek, and Mineral Creek gaging stations every other month for total and dissolved metals and the field parameters water temperature, pH and specific conductance. BOR lab is ACCULAB

USGS samples Animas below Silverton quarterly for dissolved calcium, magnesium(hardness) and dissolved metals, total copper, aluminium, maganese, and iron. Field parameters pH, water temperature, dissolved oxygen, specific conductance. USGS uses the USGS national water-quality lab in Arvada, CO

Sampling frequencies agreed upon were that River Watch would sample in the middle of every month on the second or third Wednesday, BOR/Sunnyside will attempt to sample the week prior to River Watch usually Monday, Tuesday, or Wednesday, quarterly samples at the Animas River below Silverton collected by USGS will be taken the week after River Watch. Additional samples will be collected by USGS at the four stream gages in coordination with the other sampling efforts. USGS will focus additional samples on defining concentrations during winter and diurnal fluctuations during snowmelt and rainfall runoff.

QA/QC activities that all groups were doing included collecting blanks and duplicates, using the same cleaning procedures, and meter calibration. All but River Watch are collecting samples using depth-and width- integrating techniques. River Watch is collecting samples across the stream with 3 dips of a

bucket. Because there are no tributaries immediately upstream from Mineral Creek, Cement Creek, and the Animas Above Silverton, except for analysis of total metals during high flows, the 3-dip technique should be representative. A comparison of the 3-dip bucket technique with depth-and width-integrating technique for total metals will be done during high flow. Because of the possibility of the incomplete mixing of Mineral Creek at the Animas below Silverton, it was agreed that any samples collected at the Animas River below Silverton should be collected using depth-and width-integrating techniques. Powderless latex gloves will be worn during sample collection and processing (gloves will be supplied to River Watch by USGS) and after cleaning, sampling equipment will be stored in plastic bags.

River Watch measures pH in the lab (school room) it was noted that pH calibration standards should be at or near the temperature of the sample being analyzed.

For the purposes of verifying continuity of data between the groups, all groups will collect a sample, including blanks and duplicates, at Cement Creek on August 13, 1997 (the sampling will be scheduled to coincide with sampling by River Watch). This sampling will provide information on continuity between sampling techniques, laboratory analysis, and measurement of field parameters.

Submitted by Paul von Guerard 11-21-96

# **CONSERVATION/ENVIRONMENTAL ORGANIZATIONS** **Active in Southwestern Colorado - San Juan Mountains**

**Name/Org. Date:** Greater San Juan Partnership- 1994 (non-profit)  
**Objectives:** Increase Regional ID & preserve rural & natural landscapes, level of growth  
**Contact:** Tony Ferrellus (ED) PO Box 318, Glorietta, NM 87535  
**Phone:** (505) 757-2631 newsletter

**Grand Canyon Trust- 1985 (non-profit)**  
 Protect pristine vistas, serenity and solitude - preserve natural & cultural resources of the Colorado Plateau  
 Tom Jensen (ED) PO Box 30848, Flagstaff, AZ 86603-9962  
 (602) 774-7488 publication: Plateau Advocate

**Valley Land Conservancy (VLC) -1993 (non-profit)**  
 Info source, conservation easements  
 Tony Hoag (FS) 12260 64.50 Road, Montrose, CO 81401  
 (970) 349-4564 brochure

**San Juan Foundation -1993 (non-profit)**  
 Foster a perspective linking health and sustainability of communities in the Four Corners area **Publication:** San Juan Almanac  
 Ann Bend (BM) PO Box 116, Durango, CO 81302  
 (970) 385-1210

**Mineral Policy Center**  
 National Organization with HQ in Washington, D.C., to halt environmental damage from mineral development  
 Numerous publications including CLEMENTINE-their Journal  
 Annee Boulanger (Circuit Rider), PO Box 2414, Durango, CO 81302  
 (970) 382-0421

**Western Colorado Congress -1978 (non-profit)**  
 Western slope environmental concerns, umbrella group which includes the Deep Mountain Alliance, Telluride-Ridgway-Ouray Community Council, HCCA- Gunnison, UVA- Montrose, CCRA -Grand Junction, and others.  
 Gwen Luchelt (ED) PO Box 472, Montrose, CO 81402  
 (970) 249-1978  
 Ouray Co., Ridgway Organizer, Amy Loper (970) 626-5179  
 Numerous publications including the bimonthly *Clarion*

**WORC- Western Organization of Resource Councils-nonprofit-National Organization with HQ in Washington, D.C. 1979 - nonprofit**  
 Environmental and Economic Coordination- Family farms and rural communities grass roots organizing-Focus on heap leach and coal mining.  
 Pat Sweeney (ED) Umbrella group including WCC (see above)  
 2401 Montana Ave #301 Billings, MT, 59101  
 (406) 252-9672 sponsors training meetings and newsletter

**CCA- Ouray County Alliance- 1986- nonprofit**  
 Environmental and Consumer interests-Ouray County & areas of influence  
 Walter W. Rula, Jr. President  
 P.O. Box # 47307 Ouray, CO 81427 Annual meeting & newsletter  
 (970) 225-4366



11/21/95 WR

**CONSERVATION/ENVIRONMENTAL ORGANIZATIONS**  
**Active in Southwestern Colorado - San Juan Mountains**

Friends of the Alpine Loop 1994-nonprofit-seeking grants.  
Coord. with BLM s to plan, & develop recreation facilities trails &  
interpretive material for the loop: Silverton, Lake City and Animas Forks.  
Gayle Vitarius- PO Box 161 Silverton, CO. 81433  
(970) 387-5429 BLM sponsored, board of locals-quarterly meetings.

TELLURIDE INSTITUTE- 19\_\_ nonprofit  
Think Tank, A sponsor of study papers and conferences for the San Miguel  
watershed, etc.  
Pamala Lifton Zoline  
283 S. Fir St. Telluride, CO. 81435  
(970) 728-4420

Yankee Boy Basin Preservation Committee-1993 -informal organization  
Protection, preservation and interpretation of the high country around  
Ouray especially Yankee Boy and Governor Basins-Works with County/FS  
John Crim PO Box # 50 Ouray, CO. 81427  
(970) 325-4445 publication:Flyer-map

Ouray Trail Group Inc. 19\_\_(nonprofit) volunteers  
Promote safe and wise use of trails in and around Ouray- coop. w/ U.S. F.S.  
Ouray District, Uncompahgre N.F. and Ouray Mountain Rescue Team.  
Bill Forsythe-President Box 50 Ouray, CO. 81427  
(970) 325-4543 publications:Map-Hiking Trails of Ouray County



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION VIII**

**999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466**

Ref: 8EPR-SA

Mr. Ted Toms  
P.O. Box 274  
Silverton, CO 81433

Dear Mr. Toms:

This is in response to your letter regarding a discovery report under Superfund in the Upper Animas Basin, above Silverton, Colorado. The Environmental Protection Agency (EPA) is aware of the importance of the mining tradition to your family and to others in this area. Thank you for sharing your concerns with us. I will answer your questions here and your letter will be added to the site file so that your opinion will become part of the official record.

EPA and the Colorado Department of Public Health and Environment (CDPHE) had discussions several years ago about mining districts throughout Colorado which had not been screened under Superfund's Site Assessment Program. This is a program designed to "red flag" releases causing potential risk to human health or the environment. The Upper Animas stood out as one of the most visibly contaminated formerly-mined areas of the State which had not been looked at under the program.

CDPHE was already extremely involved in this area under its Water Quality Control Program, so they were aware of an abundance of data which already existed. This data included the partial characterization of the area surface water by Sunnyside Gold, which you mentioned. You have correctly identified that there are still questions about whether mining or the environment is the determining factor regarding a viable reproducing fishery in the Upper Animas River and below. EPA has funded CDPHE under the Clean Water Act since 1990, to characterize impaired water quality due to correctable mining problems. In addition, the United States Geological Survey (USGS) has participated with us in differentiating mining problems versus problems related to natural causes. These studies indicate releases have occurred from mining-related sources in the area.

CDPHE was concerned that the Stakeholders group get the credit they deserved for united and individual efforts focussed on understanding releases to the surface water, and that Superfund not pre-empt achievements which could be gained under the Stakeholder's group. They asked the Site Assessment Manager to put as much information as was available into the record at the point of discovery. A synopsis of available data was collated by CDPHE in the discovery report. The State sent the report out for review among the Stakeholders as a reality check, not as an advertisement. You have indicated that the information in that report is misleading. We believe this report is accurate and objective, but acknowledge that scientific information



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is subject to interpretation. Reports on any future work will try to be more sensitive to competing interpretations of the data.

EPA and CDPHE have responsibilities to protect human health and the environment that go beyond water quality in streams. The effort prior to the discovery report focused on the fishery, and did not ask questions about whether individuals were drinking contaminated water, or living on contaminated soil. The traditional approach under water permits and programs did not screen for the variety of substances which are routinely screened for in a site assessment, or test the stream sediments where critical additional information is sometimes found. There were people in the community who were not on the city's water supply, and justifiably wanted their drinking water tested. There are further questions about whether people can safely eat the fish from the river, or whether metals are bioaccumulating in the fish meat. We have worked within the Stakeholder system since the discovery report to sample the site screening factors which were not otherwise sampled, and will be reporting the results of those tests next year.

The discovery document does not mean EPA or the State will "take over" the site. It means we ask questions about whether exposures to human health or the environment are taking place by way of air, ground water, surface waters, or residential soils. This assures that the risk management issues with respect to all pathways of potential exposure are on the table early, in a low-cost screening. At the point of discovery under the program we have not made a large financial commitment, declared that clean-up is required, or said that EPA must be the force for change. In fact, EPA and CDPHE see great potential for grassroots leadership in the Silverton community. It is a premier example of a community facing and balancing it's environmental and economic challenges.

EPA is committed to working with this community to help achieve their environmental goals. While EPA and the State cannot ignore our statutory responsibilities with respect to human health and the environment, we are working hard to listen better and be more responsive, and to make room for successful efforts by other capable parties. If you have any additional questions about this work in the Upper Animas Basin, please contact Carol Russell at 1-800-227-8917 extension 6310 or Pat Smith at extension 6082.

Sincerely,

Jack W. McGraw  
Acting Regional Administrator

cc: Animas Stakeholders, c/o Bill Simon (w. original letter)  
San Juan County Board of County Commissioners  
Greg Parsons, Martin O'Grady, CDPHE



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**ANIMAS WATERSHED COORDINATOR**  
**8181 CR 203**  
**DURANGO, CO 81301**  
**FAX & PHONE (970) 385-4138**

Honorable Carol M. Browner, Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D. C. 10460

***DRAFT***

Dear Ms. Browner,

Recently you have received a letter written by Mr. Ted Toms (Sept. 27, 1996), concerning the spending of tax payers dollars on cleanup efforts of the Animas River in southwestern Colorado. Mr. Toms has been a participant in several meetings of the Animas River Stakeholders Group (ARSG), is a mine claim owner, and remains a vocal critic of the efforts to improve existing water quality conditions. The ARSG is a very diverse group of individuals, citizen groups, corporations, and government agencies which is rapidly moving forward on its mission of improving water quality and aquatic habitat in the Animas watershed. The position of concern Mr. Toms has expressed is welcomed dialog and I feel it does need to be addressed.

The stakeholder process has been developed as a viable local based response to Clean Water Act requirements that the waters of our nation be maintained and improved to the highest levels that are practical to attain. In our state, the Colorado Water Quality Control Commission has the responsibility of enacting most provisions of the CWA, and to this end must set water quality standards and classifications in our rivers and streams. At the 1995 triennial review hearings the Commission ruled to enact more stringent and arguably attainable "goal based" standards and classifications throughout much of the basin. However, as a result of local participation and commitment, the commission chose to delay implementation of these new standards and classifications until 1998, thus providing a three year opportunity for the ARSG to more clearly define existing physical, biological and chemical conditions which could be used in setting more realistic and achievable goals. We were also empowered to develop a remediation plan that would be implemented to achieve CWA goals (i.e. to improve water quality and aquatic habitat where practical.

Extensive efforts to monitor the existing aquatic conditions and the effects of mine related contamination have been implemented. Also, characterization of mine sites (we have thousands) and the determination of natural background loading contributions have been proceeding in a tributary by tributary fashion. As sites in each sub-basin are investigated they are evaluated for potential to be remediated and finally they are prioritized for action. Additionally, remediation efforts have been initiated by private corporations, individuals, and by stakeholder sponsored programs funded by local, state, and federal agencies as well as by our volunteers ranging from students to professional

experts. The lands currently under contract for remediation include both public and private lands.

The stakeholder effort may also be considered a grassroots response to the threat of watershed intervention from large Federal programs such as Superfund. Stakeholders generally feel that past Superfund actions, and implications of CERCLA law have inhibited voluntary cleanup actions, resulting in too much money being wasted in litigation rather than on the ground improvements. Our group is also sensitive that money be spent only on studies and actions that will directly assist us in meeting our mission.

Mr. Toms argument, sound in the principle that tax payer moneys should not be wasted, fails to recognize that Federal CWA responsibilities includes the protection of water quality and aquatic habitat beyond the requirements of drinking water standards for human consumption. Those responsibilities include providing conditions favorable to other life forms, and general environmental conditions which may, but are not required to, have direct or indirect benefits to mankind. In short, the CWA helps protect our natural heritage. If one reads the *Animas Recovery Report* with this broader perspective, there is little difficulty in recognizing that conditions brought about by heavy metal contamination are severe in many areas and that improvements may be attainable. Current conditions of the Animas range from upstream areas where no life forms have been found, to less impacted areas further downstream (20-30 miles) where trout species are sustained. Natural dilution from tributaries below the upper, highly mineralized basin creates a continuum of improving conditions. Trout have been used as *one of the* indicator species for river health; fewer, smaller and non-reproductive trout within the basin indicates problems which may involve chemical toxicity, physical restraints, or lack of an adequate food source brought about by the effects of metals on the food web.

It is an objective of the Stakeholders to learn precisely how, where, and to what extend man caused degradation is impacting our watershed and then to actually do what we can to improve conditions which are currently limiting aquatic life and habitat. Our group feels strongly that remediation needs to target specific areas which will give maximum improvements for minimum expenditures. Only through a more thorough understanding of existing conditions and processes can we accomplish this. The "goal based" standards and classifications which would go into effect without our involvement could result in unnecessary expenditures at attempts of compliance to unattainable goals. Rather than passively waiting for the boom to fall, the stakeholders will present to the Commission detailed analyses of comprehensive investigations which can be used to achieve specific improvements. Thus, future decisions of this citizens regulatory authority will reflect accurate field assessments and possibilities.

Stakeholder efforts, such as this one, involving local participation in analyzing environmental issues, can result in community acceptance of responsibility for and the awareness of consequences of man caused disturbances to our environment. They enable people to develop tools to understand complex issues and to participate in decisions which affect their immediate and broader communities. In this way a sense of self worth and stewardship for the land and resources upon which we depend can be rekindled throughout our nation. The ARSG thanks the EPA for its past and continuing support as a partner in this important process.

Sincerely,

William Simon

# STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

4300 Cherry Creek Dr. S.  
Denver, Colorado 80222-1530  
Phone (303) 692-2000

Laboratory Building  
4210 E. 11th Avenue  
Denver, Colorado 80220-3716  
(303) 691-4700



Colorado Department  
of Public Health  
and Environment

August 9, 1996

Ms. Carol Russell  
Environmental Protection Agency  
999 18th Street  
Denver, Colorado 80202

Dear Carol:

Enclosed is a diskette of Animas River water chemistry data. It includes sites from Mineral Creek, Cement Creek and the Animas River from the headwaters to near the stateline. The data base is in D-base IV format. I have also included a very brief summary of what is in the data base. Please share these diskettes with Tony Ott. If you have any questions you may call myself at (303) 692-3579 or Rob Gallegos at (303) 692-3581.

Sincerely,

J. Robert Owen

cc Tony Ott, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Honorable Ben Nighthorse Campbell  
United States Senate  
Washington, DC 20510-0605

Dear Senator Campbell:

Thank you for your letter of September 19, 1996 to Administrator Browner regarding the role of the Environmental Protection Agency (EPA) in the Bureau of Reclamation's (Bureau) proposed Animas-La Plata Irrigation Project (ALP). As I noted in my letter of October 5, 1996 to you, additional time was necessary to prepare this response, and I appreciate your patience.

Since you wrote to EPA in July of 1995 regarding ALP, we have worked closely with the Bureau as they prepared the Final Supplement to the Final Environmental Statement (FSFES) for ALP, providing technical assistance to the Bureau before the FSFES was published in April of 1996 for public comment. Since that time, EPA has also worked with the Bureau in its efforts to establish a mediation process led by the Federal Mediation and Conciliation Service, regarding water quality issues raised by ALP. More recently, EPA has been an active participant in the ongoing review effort being coordinated by the State of Colorado regarding ALP.

As to the more specific concerns raised in your letter, I have formatted my response to correspond to the categories as outlined in your inquiry.

#### **I. Selenium**

The Clean Water Act was enacted with the objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The Clean Water Act also recognizes the primary responsibilities and rights of states and tribes to prevent, reduce, and eliminate pollution. One of the most important Clean Water Act functions for states and tribes is to develop water quality standards. In establishing water quality standards, a state or tribe defines its goals for a particular waterbody, which includes designating the beneficial use or uses it envisions and setting the criteria necessary to protect the use or uses. In addition, the state or tribe must adopt an antidegradation policy that protects the existing uses of waterbodies.

Once a state or tribe adopts water quality standards, it submits the standards to EPA for review and either approval or disapproval. If the standards are consistent with the requirements set forth under the Clean Water Act and its supporting regulations, EPA will approve the standards. If the standards are deficient, EPA will disapprove them. If EPA disapproves a state's



or tribe's standards, the EPA will provide an opportunity for the state or tribe to adopt standards that are consistent with the requirements of the Clean Water Act and its supporting regulations. If the state or tribe does not do so, EPA can promulgate federal water quality standards to supersede the state or tribal standards. Unless EPA has promulgated superseding federal water quality standards, the standards adopted by the state or the tribe govern.

Under Section 304(a) of the Clean Water Act, EPA publishes national criteria guidance to assist states and tribes in developing their water quality standards. The guidance is not, however, intended to constrain states or tribes, particularly with regard to site-specific conditions. Under Section 510 of the Clean Water Act, states and tribes are free to adopt water quality standards or effluent limitations that are more stringent than found in any federal guidance. A state or tribe may adopt any national criteria guidance value as its standard, or it may adopt a standard that is either more or less stringent, as long as the standard it adopts is based on a sound scientific rationale and sufficiently protects all designated uses of the water to which it applies.

Selenium is a trace element that can result in toxic or tetragenic effects at low concentrations. The State of New Mexico has established, and EPA has approved, a standard of 2 micrograms/liter (ug/l) for selenium. This concentration is lower than the value in EPA's national criteria guidance, which is 5 ug/l. New Mexico is not the only state that has adopted water quality standards for selenium that are more stringent than 5 ug/l. For example, for a number of sites in central California, including the Grassland Water District, the San Luis Wildlife Refuge, and Los Banos State Wildlife Area, the State of California has adopted, and the EPA has approved, a standard of 2 ug/l. The State of Arizona has also adopted, and the EPA has approved, a selenium standard of 2 ug/l for all waters for which aquatic life is a designated use.

In the case of selenium, EPA's guidance value was developed in 1987, based on then-current data. The states mentioned above have developed their criteria more recently, with the benefit of more recent studies that support a lower value, especially for wetlands and impoundments, where concentrations of trace elements are likely to be magnified in aquatic organisms (i.e., bioaccumulation).

Your letter asked about each project or permit for which the EPA has "either raised a concern or, as in this case, blocked action in an instance where federal selenium standards are met but state standards are exceeded." I would like to clarify that the EPA's role with respect to this project has been in raising concerns, for example, as to water quality standards, as the EPA is charged with doing pursuant to its statutory obligations.

It is also important to emphasize that there are no "federal selenium standards" in this case. The standard for New Mexico that EPA has considered in its review of this project is the one that the State of New Mexico has adopted and EPA has approved. This is in keeping with EPA's practice to consider the water quality standards promulgated by a state or tribe whenever EPA reviews the environmental impact of a proposed federal action, issues any Clean Water Act discharge permit, or takes any other action that may affect water quality. For example, in New Mexico, for which EPA is responsible for issuing Clean Water Act Section 402 discharge permits,

at least eleven discharge permits have conditions relating to selenium. Four of these have been issued since New Mexico adopted its current selenium standard of 2 ug/l. Accordingly, EPA has based the conditions in these permits on that standard.

We recognize that New Mexico's standard for selenium is frequently exceeded in the Animas and La Plata Rivers. However, EPA's review indicates that as a result of the proposed project, selenium concentrations would increase (as much as 90% over current conditions at certain times) and that additional and greater magnitude violations of New Mexico water quality standards would occur. While these levels may be less than the extraordinary ones involved in the Kesterson National Wildlife Refuge case, we are concerned that increases due to the ALP project may lead to toxic bioaccumulation, resulting in adverse effects to aquatic organisms. The State of New Mexico has made similar findings and has indicated concerns over potential adverse effects on its municipalities, agricultural interests, recreational opportunities and biota, including endangered species.

EPA agrees, as you suggest, that it may be possible to reduce the amounts of these increases in selenium, mercury and other parameters through the use of best management practices. However, we are concerned that the Bureau has not adopted sufficient best management practices to address water quality problems associated with the ALP. Again, we look forward to discussing these issues with the Bureau in the upcoming water quality mediation, but we must also caution that there are numerous technical issues that need to be resolved before we can reach a conclusion regarding the effectiveness of any proposed best management practices.

For example, use of wetlands to provide plant uptake of selenium, while promising, has yet to be demonstrated as an effective measure. Recognizing this potential, however, EPA is contributing funds for research on this issue to the University of Colorado at Denver. With regard to bypass flows, we are concerned about their effectiveness as a strategy to reduce metal concentrations, due to the apparent ability of irrigators with senior rights in both Colorado and New Mexico to divert any bypass flow at the very times those flows are needed. Despite these concerns, we believe it is critical that these and other potential best management practices be investigated as potential means to minimize water quality impacts prior to construction of ALP.

## **II. Navajo Indian Irrigation Project and Navajo water rights**

Your letter questioned EPA's perceived involvement in Navajo water rights issues, which would fall within the jurisdiction of the Department of the Interior (Interior) rather than EPA.

EPA recognizes Interior's primary role in resolving Tribal water rights issues in the San Juan Basin as it relates to ALP, and EPA does not in any manner presume to be responsible for allocating water among Tribes.

EPA's interest in water allocation issues relates to what should be disclosed in an Environmental Impact Statement. In order for EPA, as well as the public, to be able to assess the

environmental impacts of a water development project, there should be an adequate disclosure of information regarding all water allocations in a basin that may be affected. Therefore, we believe it is essential that the potential impacts of ALP, including impacts on flow depletions in the San Juan River, impacts on the uncompleted Navajo Indian Irrigation Project, and impacts on any future claims by the Navajo Nation to additional water from the San Juan River, are addressed.

### **III. Implementation of mitigation measures**

Although EPA recognizes that the Bureau addresses some of the issues concerning mitigation measures, we remain concerned that the Bureau has yet to develop a mitigation plan that contains enough information to assure that mitigation can, and will, replace the resources that would be adversely affected by the proposed project. For example, with regard to wetlands issues, the actual mitigation site is still in question. Without information on the actual mitigation site, it is difficult to determine whether adequate wetlands mitigation actually can be accomplished, and without this determination, it is impossible to conclude whether the proposed mitigation will replace the lost wetlands functions. Moreover, for wetlands impacts, EPA generally seeks a commitment that, where feasible, the mitigation measure will be implemented at the same time that the actual impact occurs. We will continue to work with the Bureau to define appropriate mitigation commitments for ALP.

### **IV. Possible future use of municipal and industrial water**

EPA recognizes that one of the purposes of the Ute Indian Water Rights Settlement is to provide water for the economic development and growth needs of the Tribes. EPA has not, and will not, presume to determine a use of the water for the Tribes. However, the Settlement also provides that ALP comply with the provisions of the National Environmental Policy Act. Because the ALP is a major federal action significantly affecting the environment, an Environmental Impact Statement that examines the direct, indirect, and cumulative environmental impacts of the project must be prepared. It is our position that without specifying the use and location of the use of the water that will be withdrawn and stored in Ridges Basin, it is not possible to determine the impacts of that water use. For example, if the water were used for municipal and industrial purposes in the La Plata drainage, the impacts would be different than if the water were used for municipal and industrial purposes in the Animas drainage.

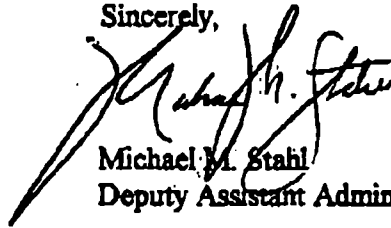
In addition, without analyzing the use of the withdrawn water, it is not possible to determine whether there may be less damaging alternatives which would meet that water use. This approach is consistent with the National Environmental Policy Act review process used for the proposed Two Forks Water Supply Impoundment, as well as other water storage projects that have been constructed in the western United States (e.g., the Muddy Creek Reservoir in Colorado and the Jordanelle Reservoir in Utah). The Environmental Impact Statements for all of these projects specifically outlined the uses of the water to be withdrawn, and assessed the impacts of those uses. Moreover, the analysis of these projects provided specific details regarding the exact point of diversion, the purpose of the diversion, and the time and amount of diversion.

- 5 -

The results of these analyses of water use were then projected throughout the affected drainages so that water level fluctuations, and associated aquatic, water quality, recreational and wetland impacts were estimated. A similar analysis is needed for ALP.

Thank you for your interest in these matters. We look forward to working with the Bureau and ALP's project sponsors to resolve any outstanding issues.

Sincerely,



Michael M. Stahl  
Deputy Assistant Administrator

OCT 25 1996

# YEAR-ONE ACTIVITIES

## Colorado Activities in FY97

Component 1 of the five-year plan, State-wide analysis, prioritization, and watershed selection has been completed. Components 2, 3, and 4 will be initiated concurrently in Fiscal Year 1997. At the watershed-scale, sites/sources which have the biggest effect on the watershed will be identified, while selected sites which have already been identified as major sources will be further quantified. Concurrently pursuing investigations at the full range of scales will enable better evaluation of the processes that control the distribution and movement of contaminants in the watershed. Component 4, will be initiated by an evaluation of existing monitoring networks for their suitability throughout the course of the investigation from watershed- and site-scale characterization through measuring effectiveness of remedial actions.

The work tasks undertaken in year one (FY97) of this investigation are presented in the following seven work elements: Development of Base Cartographic Data, Geology and Source Characterizations, Watershed-scale Water Quality, Sediment Character and Quality, Biota and Ecosystem Characterization, Process Interpretations, Data Management, and Project Coordination. For each work element, existing data will be compiled and evaluated. Data will be evaluated for suitability to determine the source, fate and transport of contaminants, to assess problem areas from the perspective of the entire watershed, and to implement a true watershed-scale remediation strategy. Data gaps will be identified and, if necessary, used to revise the workplan in the next 60 days of FY97. Wherever possible, work elements will be coordinated with existing efforts by Federal and State agencies and by the Animas River Stake Holders Group. Responsible parties and the costs associated with each work element and major sub-elements are identified.

### *Development of Base Cartographic Data*

Collection and analysis of scientific data are dependent on a foundation of accurate base cartographic data. Derived from 1:24,000 scale topographic quadrangles, aerial photography, remotely sensed data and National Technical Means (NTM) sources, an accurate and current database of base map features will be prepared. Base-map development is a multi-step process. Data will be acquired and a centralized database of all data identified in the inventory will be built. Data will be assessed for gaps, currency, and accuracy, and a plan to meet project requirements will be prepared. Additional data will be collected to satisfy project needs identified during the data assessment. Categories likely will include Digital Elevation Models, Digital Line Graphs, Land Use/Land Cover, and NTM. Data will be integrated by correcting horizontal and temporal mismatches. Finally, a hard-copy base map will be prepared for scientists to use during field work. GIS coverages of the cartographic data will be developed and integrated with existing coverages available from other sources. Existing data will be surveyed to avoid duplication of effort. The AML

will coordinate GIS development with the Animas River Stake Holders, providing training GIS techniques. All digital information developed for the watershed will be made available to all cooperating agencies.

- Develop cartographic data bases and base map (Jack Fordham, NMD)
- Complete digitization and edge matching of existing geologic mapping at 1:24,000 scale for the Animas basin (D.Yager, D.Bove, GD)
- Prepare ARC/INFO coverage for geologic base map (D.Yager, GD)
- Using AVIRIS data, prepare a preliminary map of surface mineralogy/lithology (T.King, GD)

**Associated funding:**

NMD	\$100,000
GD,	30,000

### ***Geology and Source Characterizations***

Determination of background (pre-mining conditions) is highly dependent upon the lithologies, alteration mineralogy, and mineral deposits present in and exposed to weathering in the drainage basin. An understanding of the geologic setting of the mineral deposits in the basin is essential to the determination of pre-mining background conditions. Geologic information on the watershed-scale geology, mapping of alteration zones (to determine the availability of calcite), site specific mineralogic characterization, inventories of known mine sites, and available water-quality data will be used to evaluate the distribution of sources of contamination within the watershed. Specific work tasks include:

- Initiate alteration mapping in Topeka and Prospect Gulches to document the presence of 'natural' geologic conditions that lead to degraded water quality in the Animas basin (D.Bove, GD)
- Complete the compilation of geochemical data for mines and prospects from databases, classification of known deposits, and start gathering supplementary geochemical and mineralogical data (T.Nash, GD)
- Complete stream-sediment geochemical study to define present-day geochemical baseline and prepare GIS coverages for study area (S.Church, D.Fey, D.Yager, GD)
- Initiate coring of pre-mining sediments to determine premining geochemical background (S.Church, D.Fey). This work will be coordinated with collaborative research evaluating micropaleontology of premining sediments and paleontological

evidence of viable fish populations prior to mining (E.Brouwers and F.Lichte, GD).

--Determine relative impacts of sources in Cement Creek through solute-transport simulation using tracer-injection data from 1996. (Katie Walton-Day, WRD,)

Associated funding:

GD, \$150,000

WRD 10,000

### ***Water Quality***

Water-quality sampling will be conducted at distributed locations to refine the characterization of metals concentrations, loads and sources within the Upper Animas Basin.

--Seasonal variation in dissolved and colloidal metals loads will be defined. Samples will be collected at the outflow of Mineral Creek, Cement Creek, the Animas River upstream from Silverton, and the Animas River downstream from Silverton; about 15 samples will be collected. Samples will be collected throughout the year, with weekly samples from during spring runoff. (Win Wright, Briant Kimball)

--Watershed-scale variations will be evaluated by synoptic sampling of water, colloid, and bed sediment chemistry. Coupled with discharge, this will refine the characterization of metal concentrations that has been developed by the State of Colorado by adding the colloid information. The synoptic sampling also will help to determine where more detailed tracer injections might be of most value. The synoptic sampling should be coordinate with the biological sampling so that the relevant information can be of most use. (Briant Kimball, WRD)

--Detailed spatial variations, on a sub-watershed scale determined by tracer injections in Cement Creek done in September 1996, will be extended to other areas in the Upper Animas to provide a measure of the relative impact of the many sources of mine drainage. The distribution of flow and metals loads within the watershed, and the natural attenuation of metals will be quantified by developing mass loading profiles from the tracer experiments. (Briant Kimball, WRD)

--The relative contribution of naturally-occurring and mining-affected metals discharges to receiving waters in selected subbasins where remediation is targeted will be determined so that meaningful remediation levels (concentrations) can be established. Characterization will begin in the Cement Creek Basin and will continue in the Animas River basin upstream from Silverton. (Win Wright, Alisia Mast, and Kirk Nordstrom, WRD)

--The effects of mine dumps on water quality will be described. Selected dry dumps

(receiving recharge from precipitation and snowmelt only) will be investigated to determine their contribution of dissolved metals to receiving streams. These data would be used in conjunction with the AVIRIS data and collaborative studies by Kathy Smith (GD) of geochemical processes in selected representative mine dumps that will document the mechanisms of metal migration away from these sites to provide a semi-quantitative analysis of what dumps and waste piles contribute to acid drainage in the Upper Animas Basin. This characterization would be done in conjunction with ongoing efforts by the Colorado Division of Mines and Geology to characterize waste piles and dumps for hydrologic modification. Existing data available on waste piles<sup>f</sup> used to select sites for investigation. (Win Wright, WRD)

Associated funding:  
WRD, \$247,0000

### ***Sediment Character and Quality***

The size distribution and surface chemistry of sediment grains will be characterized to evaluate the basic suitability of the aquatic habitat. Sorption of metals to iron-oxide coated grains (colloids) may control the chronic toxicity exposure pathway for benthic organisms. Sediment and surface coating geochemistry are directly related to the geologic environment and mineral deposit characterization work outlined in the section "Geology and Source Characterization". Quantification of the metal pathways, through the use of Pb-isotopic tracers, and the sediment accumulation associated with mining history of the region will be used to demonstrate the viability of restoring aquatic habitat in the Upper Animas Basin. Sediment data collection sites will be coordinated with other data-collection efforts at common data-collection sites. Specific work tasks include:

- Initiate studies of sediment size distribution in stream reaches (S.Church)
- Initiate studies of effect of beaver dams on water quality and sediment entrapment in Animas basin (M.Stanton, S.Church, D.Fey)

Associated funding:  
GD, \$30,000

### ***Biota and Ecosystem Quality***

This work element will determine baseline (current) conditions of biological communities in the watershed and evaluate important influences on fish and invertebrates, including physical habitat quality, bioavailability of heavy metals, and on-site toxicity testing of water and sediment. Specific work elements include:

- A study of the benthic macroinvertebrate community structure of the Animas River



and tributaries will be conducted. These data will be integrated with channel geomorphological, water and sediment chemistries and analyzed using canonical correlation analysis which classifies and separates benthic invertebrates on the basis of community structure and associates variation in community structure with physical and chemical variables, such as physical habitat changes or presence of anthropogenic heavy metals. Data from the Animas River watershed will be compared to reference watersheds in the southern Rocky Mountains of Colorado. (Terry Boyle and John Besser, BRD) N.A.!

-- A study to analyze the physical habitat of the Animas River and upstream tributaries will be conducted at the reconnaissance level utilizing the Physical Habitat Simulation System (PHABSIM) at 5 sites to assess habitat suitability for brown, rainbow, and cut-throat trout. The study will focus on the impacts of sediment yield from historic mining and milling activities. An ancillary study will evaluate channel bed material and buffer densities to establish a relationship between upstream mining activities and floodplain sediment sizes. (Bob Millhouse, BRD)

1-A study to evaluate pathways and severity of metal exposure to stream biota in the upper Animas watershed. Samples of biofilm (consisting of algae, microbes, organic detritus, and mineral particles) will be collected from rocks and analyzed for metals and for indicators of nutritional quality (e.g. organic carbon, chlorophyll). (John Besser, BRD) Samples of benthic invertebrates (which are the principal food source for trout) will be sorted to select comparable samples among sites and analyzed for metals. Samples of fish tissues which indicated overall metal exposure (e.g. liver, muscle) will be collected and analyzed for metals. (John Besser and Bill Brumbaugh, BRD)

--On-site 48 hour toxicity screening tests of the Animas River and upstream tributary water and sediments will be conducted utilizing the daphnid *Ceriodaphnia dubia* and the fathead minnow, *Pimephales promelas* and the amphipod *Gammarus lacustris*, respectively. These tests will be used to identify the range of toxicity at main stem Animas and tributary sites and the downstream extent of toxic conditions. Concurrently, Toxicity Identification Evaluation (TIE) tests will be conducted at each site to identify constituents causing the toxicity in water. In situ Interstitial Monitoring Devices (IIMDs) will be deployed at each site to monitor the concentrations of toxicants moving across the sediment water interface. (Del Nimo, BRD)

-Associated Funding:

BRD \$162,000

### ***Process Interpretations***

This work element relates to integration and interpretation of the collective physical, chemical, and biological AML database. The data on water, sediment, biofilm, benthic invertebrates and fish collected using a common data-collection site approach will be integrated to identify pathways for metals movement within the watershed, and

mechanisms for adverse effects on aquatic organisms either through short-term high-concentration exposure or prolonged exposure through sediment and accumulation in the food chain. The data-collection efforts implemented in this study, where appropriate, will be designed 1) for specific process-related experiments, such as stream baseflow tracer tests, or 2) for subsequent interpretation using geochemical and solute transport models.

Interpretations will focus on identifying processes that control the environmental pathway for contaminant movement from source to exposure of aquatic organisms. Identification of pathways will enhance the probability that remediation actions will provide the most rapid and productive changes in the condition of the watershed ecosystem.

--Establish GIS database for all digital information developed for the watershed and make available to all cooperating agencies. Establish procedures for data management and ensure meta data are prepared in accordance with Federal requirements. Develop general purpose tools for spatial data analysis in ARC/INFO and ARC Macro Language. This work element relates to integration and interpretation of selected data collected in the aforementioned work elements. (Jack Fordham, NMD)

— Associations of metal concentrations and loadings in water, colloids, and bed sediments, with metal concentrations in aquatic biota from the same sites will be assessed to identify pathways of metals movement throughout the watershed and within aquatic food webs. Metal concentrations in fish tissues, fish food organisms (invertebrates), and water will be compared to reference values from the scientific literature as a preliminary assessment of the potential for adverse effects on fish at ambient levels of metal exposure. (Stan Church, GD, Briant Kimball, WRD, John Besser, Lee Ishinger, BRD) — NA

—Using water data and alteration mineralogy in unmined areas, initiate development of a model for calculation of pre-mining background and water chemistry (M.Stanton, D.Bove, GD, W.Wright, WRD)

—Using paleontological data, initiate development of a model for distribution of fish within the upper Animas basin prior to mining (AML team) oh come on!

—Using data derived from studies of chemical processes in selected dumps and AVIRIS data, initiate screening procedures to classify dumps in terms of their mineralogy and acid generating capacity (T.King, and T.Nash, GD)

--Using GIS coverages, begin development of interpretative model for acid generation and metal mobility given distribution of mines, dumps, topography, precipitation and other data as are relevant to the problem (D.Ferderer, S.Church, GD, Jack Fordham NMD)

**Associated funding:**

BRD	\$7,500
NMD	15,000
GD	40,000
WRD	25,000

**Data Management**

Data compiled or collected during USGS work in the Upper Animas River watershed will be placed in a digital database and made available via the Internet.

- Establish GIS database for all digital information developed for the watershed and make available to all cooperating agencies. Establish procedures for data management and ensure metadata are prepared in accordance with Federal requirements. Develop World Wide Web and FTP sites for the project, accessible to the public. [Jack Fordham, NMD]

**Associated funding:**

NMD	\$30,000
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**Project Coordination**

As previously discussed, the ARSG is active in the Upper Animas River Basin. The ARSG is seeking to develop a community-based approach to remediation of abandoned mines. The FLMA's are actively involved in the ARSG. To maximize work done by the AML initiative and avoid duplication of effort, any activities undertaken by AML need to be coordinated with existing or planned efforts. Because similar Stakeholder efforts can be expected to occur in other watersheds, this activity will be essential for inclusion in the AML Summary Report.

- Coordination will include travel to and attending meetings with FLMA's and ARSG, the AML teams, and meetings with individuals from other agencies or individuals to discuss results and coordinate work activities. (Paul von Guerard and Win Wright, WRD, Stan Church, Dana Bove, Trude King, GD, John Besser, Lee Ischinger, BRD, Jack Fordham, NMD)

**Associated funding:**

BRD	\$17,000	- Mo
NMD	5,000	
GD	10,000	"
WRD	8,000	

**Products**

1. Provide a continual summary and evaluation of available data. Usually transmitted at information meetings (ongoing).
2. Develop a central database with on-line accessibility. Develop World Wide Web and FTP sites for the project, accessible to the public (January 1997) This should provide a rapid and cost-efficient method of disseminating available data and information.
3. Provide GIS coverages, for example, sampling sites, mine features, topography, and hydrography (September 1997).
4. Formal presentations of data and interpretations, and gathering of input from State and Federal agencies and the public during semi-annual meetings.
5. Begin development of a AML Summary Report providing a guide for applying the Watershed approach to remediating AML and documenting lessons learned, from the pilot projects, at semi-annual coordination meetings of Colorado and Montana Watershed Teams.
6. A plan will be developed for the publication and release of data with the ultimate goal of compiling a CD-ROM for distribution at the end of the project.
7. Develop general purpose tools for spatial data analysis in ARC/INFO and ARC Macro Language.

**Budget****FY 97 Funding**

<u>Division</u>	<u>Amount</u>
WRD	\$290,000
GD	260,000
NMD	150,000
BRD	186,500
<b>TOTAL</b>	<b>\$886,500</b>

**FY 97 Expenditures**

<u>Work Element</u>	<u>Cost</u>
Development of Base Cartographic Data	\$130,000
Geology and Source Characterization	160,000
Watershed-Scale Water Quality	247,000
Sediment Character and Quality	30,000
Biota and Ecosystem Quality	162,000
Process Interpretations	87,500
Data Management	30,000
Coordination	40,000
<b>TOTAL</b>	<b>\$886,500</b>



# How La Plata County Voted

Nov. 5, 1996

## President

Clinton (D)	6,507
Dole (R)	8,036
Perot (Reform)	1,391

## U.S. Senate

Allard (R)	8,500
Strickland (D)	7,980

## U.S. House of Representatives

Gurule (D)	5,030
McInnis (R)	11,726

## District Attorney

	La Plata County	District
Ipson (I)	6,989	8,677
Law (D)	9,221	10,831

## County Commissioner District 2

Baty (R)	8,333
Shine (D)	8,003

## County Commissioner District 3

Anderson (R)	7,526
Joswick (D)	8,763

**Baty wins close race for commissioner - Nov. 6, 1996**

**Joswick retains District 3 seat - Nov. 6, 1996**

**Law tops Ipson in rugged DA race - Nov. 6, 1996**

**Dyer to serve final House term - Nov. 6, 1996**

**Voters nix fire district's tax hike - Nov. 6, 1996**



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# High Country News

**One dollar and fifty cents**





# Cease-fire called on the Animas-La Plata front

by Ed Marston

**A**RVADA, Colo. — It is a more and more common scene in the West. People who are personal and professional enemies, people who let no opportunity pass to say something nasty about each other, are this morning sitting together at tables arranged in a large, hollow square. Behind them are colleagues and supporters who occasionally roll their eyes or leave the audience to whisper advice to those at the table.

In the hollow space at the center of the tables, lies, figuratively, the beast. It is the \$710 million — and counting — Animas-La Plata Project, named after two rivers in southwest Colorado that it would forever alter.

Around the table are those who see the project as their salvation and those who see it as their worst nightmare: Native Americans, environmentalists, farmers, ranchers, government officials and, most of all, lawyers.

The 70 participants in this sterile banquet room at the Arvada Center for the Arts and Humanities have been brought together by Colorado Gov. Roy Romer and Interior Secretary Bruce Babbitt. It is a high-risk strategy — a desperate consensus effort to resolve a desperate situation. This bitter feud has sapped Colorado's political energies for a decade. Animas-La Plata may be to Colorado what abortion is to the nation:

a litmus-test issue that twists every aspect of political life.

Yet here they are around the same table. No one knows for sure what has driven them here. It may be a kind of exhaustion that Colorado Rep. David Skaggs alludes to when he says: "A consensus approach is more likely to reach conclusion in our lifetimes."

Romer, a fervent advocate of Animas-La Plata, puts it this way: "This problem needs a resolution. We've had a lot of advocacy over a period of time, but I don't think we've had the opportunity to sit together with all of the parties and talk."

Romer is spending some chunk of his political capital on this process, but he wasn't optimistic that A-LP's dams, pumping stations and reservoirs would ever be built. "It's clear to me there are obstacles out there that may be insurmountable."

If anything can end the gridlock, it's the agreement that most negotiators carried into the room: that the descendants of Indians who once roamed much of Colorado, and who are now confined to two reservations in the arid San Juan Basin in the southwestern part of the state, have a right to water. Romer opened the day by telling the negotiators:

"I take these obligations very seriously; the Southern Utes and the Ute Mountain Utes have important water rights, and that should not be disputed. The challenge

for us today and beyond is to determine how we will satisfy those rights."

## A-LP is like a treaty

The present Animas-La Plata Project is designed to satisfy these rights. The A-LP critics in the room — people like Maggie Fox of the Sierra Club, Ray Frost of the Southern Ute Grassroots Organization, and Lori Potter, who was until recently with the Sierra Club Legal Defense Fund — delight in criticizing the Rube Goldberg nature of the design: the way it would pump water 1,000 feet up from one river to another, the many miles of canals and pipes, the reservoirs to store the water, the hundreds of millions it would cost, the enormous amount of electricity it would take to keep the three pumping stations going, the low economic value of the crops it would finally produce.

But the genius of the project doesn't lie in its engineering; it lies in its politics. A-LP was designed by the proponents in the room — led by water attorney Frank "Sammy" Maynes, now one of the backbenchers — to create a coalition powerful enough to extract the millions of dollars needed from the U.S. Congress. As the proponents and Colorado's elected officials see it, this project is "owed" Colorado, the way Arizona was "owed" the Central Arizona Project and California was "owed" Hoover Dam. It's a birthright.

From the perspective of political

design, A-LP is a work of art. It has bound together almost half of those at the negotiating table — two Indian tribes, Anglo farmers, and Anglo towns in Colorado and New Mexico — in an interracial and interstate coalition that also crosses political lines. In the recent Senate campaign in Colorado, candidates Tom Strickland, a Democrat, and Wayne Allard, a Republican, agreed on almost nothing except Animas-La Plata. Some speculate that Sen. Ben Nighthorse Campbell would still be a Democrat if environmentalists hadn't tied up A-LP.

But it is being tied up, smothered in a bear hug administered by the environmentalists and bureaucrats who are also at the table. This year, when the Bureau of Reclamation completed its final supplemental environmental impact statement, with 13 appendices, the hug got tighter. The EIS fills a four-foot bookshelf, but its length didn't impress the Environmental Protection Agency; the agency found fault with the project's effect on water quality and the Bureau's failure to examine alternatives.

So the EPA threatened to refer A-LP to the President's Council on Environmental Quality, which is a sort of purgatory that projects go to when federal agencies deadlock. At best, it would place A-LP deeper within the Beltway and farther from local interests.

*continued on page 10*



# A contentious project gets

continued from page 1

## The rules

Colorado Lt. Gov. Gail Schoettler's ground rules for A-LP consensus:

- Don't attack; be positive.
- Work to develop a feeling of collaboration.
- No legal nitpicking (nervous laughter since more than half the people at the table are lawyers).
- Listen to each other carefully.
- Don't play issues out in the press or characterize another side to the press.
- Lay disagreements with people on the table.
- Develop group press releases.
- Break-out caucuses are OK.

— Becky Rumsey

## Meanwhile, on the street

In the negotiating room, old enemies were trying to get along. But in A-LP's hometown of Durango, Colo., passions still run high.

Jeff Morrissey, a former Durango mayor and present board member of the Animas-La Plata Water Conservancy District, was cited by police for allegedly making lewd comments to two women driving cars with anti A-LP bumper stickers.

One sticker said "A-LP Sucks"; the other had a red slash through the letters A-LP.

According to the police report, Morrissey asked one of the women "if she gave blow jobs and instructed her to get on her knees." The woman, Kathy Stanjord, asked him if "talking like that made him feel good," according to the *Durango Herald*.

Police cited Morrissey for disorderly conduct.

— E.M.

That's the regulatory gridlock. In the courts, lawsuits are in play: three against the Bureau by opponents, and one against the EPA by proponents. A court injunction intended to protect archaeological resources forbids the bureau to move dirt. A congressional directive orders the Bureau to immediately move dirt.

The project is also knitted into a plan intended to recover the endangered Colorado squawfish and razorback sucker downstream in the San Juan River. That's where the Endangered Species Act comes in. And A-LP is part of the negotiations over salt, selenium, mercury and heavy-metals loading in rivers throughout the Four Corners. That's where the Clean Water Act comes in.

This sampling shows why the opponents in the room have been able to stop the bulldozers. Only overwhelming consensus can clear the road. So Gov. Romer brought everyone to Arvada to talk and, maybe, to reach an agreement.

## A-LP's deep roots

Any agreement will grow out of the project's history. A-LP is the brainchild of an era when the federal government was replumbing the West. First authorized by Congress in 1968, its roots go back at least to the 1930s, when early boosters envisioned a huge dam close to the headwaters of the Animas River, high in the San Juan Mountains. Back then, A-LP supporters wanted to move 265,000 acre-feet of water from the Animas River to the La Plata River to water a dry plateau.

Gradually the project got scaled back, and forced out of the mountains and onto the flats as supporters adapted to the fiscal and environmental realities of the day.

Then, in 1972, an ignored people intruded on this grand plan. The Southern Ute and Ute Mountain Ute tribes went to court to claim 93,000 acre-feet of water on seven Colorado rivers. Their rights, under the U.S. Supreme Court's Winters Doctrine, go back to 1868, the year the tribes' treaty with the U.S. established the two reservations.



Bruce Babbitt and Lt. Gov. Gail Schoettler speak during the A-LP hearings. In the background is Maggie Fox of the Sierra Club.

Under the treaty signed by Chief Ouray, the Utes had agreed to become farmers. Treaties like these, and the water rights they implicitly convey, are common across the West; but they are always ignored by the Bureau of Reclamation and the Anglo beneficiaries of federal projects.

By the time the Utes went to court in 1972, much of the Southern Ute reservation was a mix of Indian and non-Indian land, and the water in the basin was in use. Over the next decade, as Ute claims worked their way through the courts, the Anglo residents of the San Juan Basin came to realize there was a cloud over all non-Indian water rights, including A-LP.

It didn't come quickly, but the Anglo backers of the project eventually adapted to the Ute threat, turning A-LP into a shield which both protected existing water uses and paved the way for new uses. It did this by hitching A-LP to a water rights agreement between the two Ute tribes, Colorado, New Mexico and the U.S.

This was no casual event. The agreement — the 1988 Ute Indian Water Rights Settlement Act — was ratified by the tribes, by the U.S. Congress, and by the two states, giving it a massive imprimatur. It has been called a model of

cooperation that avoided years of litigation and racial schism. Under it, the tribes agreed to drop their "paper" water claims in court in exchange for a guaranteed supply of "wet" water from the Animas-La Plata Project. The key to the agreement was the idea that A-LP's "new" water would make everyone whole — the existing users and the Utes.

In addition to agricultural and municipal water from the now-built Dolores River project for the Ute Mountain Utes, the agreement promised the tribes 60,000 acre-feet of water per year from A-LP, plus \$60.5 million in economic development funds.

It also avoided disrupting existing communities. If the Utes had won in court, 34,000 acres of irrigated non-Indian land and the associated towns would have been threatened. So the Anglo interests got security for existing water rights and a reservoir full of new water out of A-LP. On the Indian side, the Utes married into a very powerful political coalition — one that they thought could certainly deliver to them 60,000 acre-feet of water a year.

So, wrapped in its Indian blanket, A-LP survived the late 1980s, a time when soaring costs and environmental



# a fresh look ...



Christopher Tomlinson

Ray Frost

problems felled many Bureau projects (HCN, 3/22/93).

## Nothing else has worked

At the meeting in Arvada on Oct. 9, Leonard Burch, the Southern Ute tribal chairman, reminded participants of this history. "A-LP was the engine that drove the settlement of the tribal water claims 10 years ago," he said, and nothing has changed. "Without new storage facilities and development of additional water supplies the Ute water rights can't be met."

The Utes won't let anyone off the hook, he said. "We do not intend to revisit what we did 10 years ago. Instead, we want to find solutions to the problems that are delaying construction of the project."

The group heard the same impatient message from Judy Knight-Frank, the Ute Mountain Ute tribal chairwoman. "Years ago, when they put us on the reservation, they said, 'You will be farmers.' How do we do that without water? They said, 'We will give you water.' ... That was a century ago, she said, and now, "We want our water. We want our storage for it."

The two tribal leaders were part of a four-sided table. At one end sat Romer, Colorado Lt. Gov. Gail Schoettler, whose portfolio is consensus, and Babbitt. The A-LP proponents — the tribes, the Anglo farmers' Animas-La Plata Water Conservancy District and San Juan Water Commission — sat on a second side. On the third side were the environmentalists and Jim Luchthead, who runs the Colorado Department of Natural Resources, representing Colorado. On the fourth side was a melange: New Mexico interests, Interior attorney Joseph Sax, and the EPA.

The table needed far more than four sides to represent all the interests. Bruce Babbitt alone was being pulled in three different directions:

"I bring to the table the reins of three horses, three bureaucratic horses that are often charging off in different directions." Babbitt's steeds were the Bureau of Reclamation, which is supposed to build the dams and reservoirs; the U.S. Fish and Wildlife Service, which is supposed to enforce the Endangered Species Act; and the Bureau of Indian Affairs, which is supposed to get water for the Indians.

Even so, Babbitt expressed optimism.

He said getting stakeholders together worked years ago for the Central Arizona Project, it worked at Colorado's 1993 grazing roundtable (HCN, 4/4/94), and it resolved California's 30-year water war in the recent Bay-Delta Accords.

He didn't mention the most relevant example of all: Denver's proposed Two Forks Dam, which would have cost \$1 billion, drowned a major fishery, and diverted water from western Colorado. In the early 1980s, then Gov. Richard Lamm convened a similar roundtable. Some environmentalists boycotted the roundtable so that they could continue to fight the project. Others came to the table, admitted that Denver had water needs, and looked for ways to meet the needs without a dam. In the end, President George Bush decided that Denver's needs could be met without building Two Forks, and he vetoed the project.

There's a parallel in this Arvada room. The environmental critics of the project sitting at the table agree that the Utes should have 60,000 acre-feet per year. But they don't like the way the Utes' need is to be met. The Sierra Club's Maggie Fox told the group. "Our opposition is to the Animas-La Plata project as it is currently configured, not to the action of resolving legitimate obligations and needs of the two tribes ... in ways that are environmentally benign and fiscally sound, as well as economically reasonable."

Fox, attorney Lori Potter and Southern Ute councilman Ray Frost represented an array of groups — the National Wildlife Federation, Trout Unlimited, U.S. Public Interest Research Group, Western Colorado Congress, Taxpayers for the Animas River and Frost's Southern Ute Grassroots Organization.

Potter said, "We don't start from the assumption that anything has to be built, although we are willing to discuss construction."

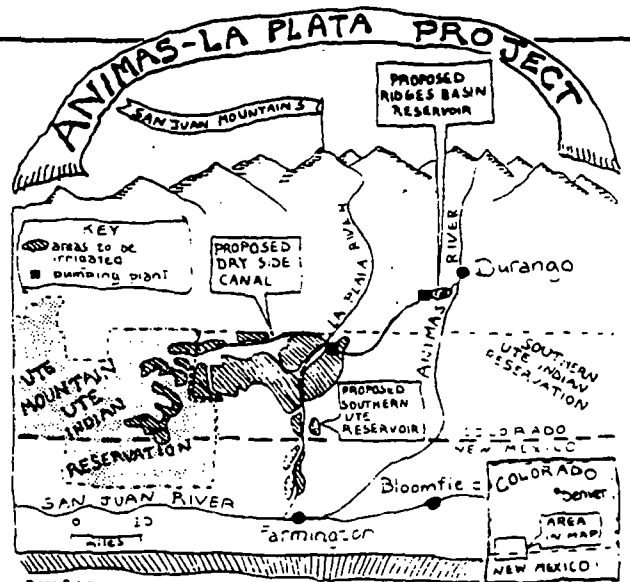
Frost, who has been a Southern Ute council member for three years, said, "Today, I bring to the table alternatives that we have discussed among us and that we believe would be in the best interests of the tribal membership." They include the kinds of ideas that ultimately sank Two Forks: the use of aquifers to store water underground, the expansion of existing reservoirs, conservation, and exchange of water with other users.

## The weight of history

By the time the half-hour opening statements by each team were complete, Romer and Babbitt had left and Lt. Gov. Schoettler had taken over as facilitator. A tall woman with short, gray hair, she ran the meeting with a style that combined football referee, New Age psychologist and impatient schoolteacher. She needed all those attributes as the meeting dragged on. An especially mind-numbing point came when the attorney for the Navajo tribe spoke:

"The Navajo Nation is the largest water user in the San Juan River Basin," said Stanley Pollack. "It is also the largest claimant of water rights in the basin. Any particular project could impact our water rights."

The Navajos are in the same position as the Utes: Their water rights, also dating from 1868, have never been adjudicated. When New Mexico does finally rule on the



## What \$710 million buys

It's fitting that the story of Reclamation's last big project should also be a story about one of the West's last free-flowing rivers.

From its headwaters in the San Juan Mountains near the Continental Divide, the Animas River descends about 125 miles south through spruce and fir, in old mining districts. It moves past aspen and pine, oak and juniper, depositing material for half a dozen gravel mines.

It meanders through the subdivisions and farms along Highway 550 in the Animas Valley, and shoots through the center of Durango. From Durango the Animas flows southwest through the checkerboard area of the Southern Ute reservation and on to Farmington, N.M., where it enters the San Juan River. From there, its water joins the Colorado at Glen Canyon.

The full A-LP project would divert, on average, about a fourth of the Animas River at Durango. In the middle of the summer when the Animas is full of rafters and kayakers, A-LP could cut the river's flow in half.

The water, roughly equivalent to 150,000 football fields covered to a depth of one foot, would enter an inlet the size of a small house and travel through a canal into the first massive pumping station. There, 14 electric pumps, housed in a building the size of a football field, would lift a fraction of the water northeast to Durango. Even though Durango's share is just a small portion of the project, it would still be enough water to support three times the town's current population of 14,000.

The \$63 million Durango pumping station would push the bulk of its water 500 feet high in the other direction, southwest, to the Ridges Basin reservoir. It will take two dams to contain the water in Ridges Basin, which, at full capacity, would stretch nearly four miles long, and be as deep as a 30-story building.

From Ridges Basin, a second pumping station would lift water another 500 feet high over Red Mesa into the less-well-endowed La Plata River drainage and the 24-mile-long "dry side canal."

The Bureau estimates that power for pumping will account for nearly half of A-LP's operating costs.

The bulk of A-LP water would irrigate about 50,000 acres of alfalfa and grain on what is now uncultivated land, and supplement another 20,000 acres of marginally farmed land.

Steve Harris, president of the Animas La Plata Water Conservancy District, estimates that A-LP-supported agriculture would pour \$25 million into the local economy.

Animas-La Plata would also provide water to the small but growing cities in the New Mexico part of the San Juan Basin: Farmington, Bloomfield and Aztec. Regionwide, A-LP opponents such as the Colorado Rivers Alliance worry that the water would spur suburban development in an area that's mostly rural now. There's enough municipal water in the project to support as many as 300,000 additional people, they say.

Currently, the Bureau is only allowed to deplete the river of 57,100 acre-feet, or about a third of the full project. That's because the U.S. Fish and Wildlife Service determined in 1990 that A-LP could harm endangered fish in the San Juan. In 1991, A-LP supporters, U.S. agencies and four Indian tribes entered into an agreement that would allow A-LP to go forward with an initial first phase while the U.S. Fish and Wildlife Service completes a seven-year study. The idea is to determine how little water razorback suckers and Colorado squawfish need, leaving leftover water in the San Juan Basin for divvying up. The agency will complete its study in 1998.

Phase I of A-LP, which is mostly federally funded, would divert and store, but not deliver, long-overdue water for Colorado's two Ute tribes. A-LP Phase II would deliver water to the reservations. But Phase II requires state funding, and Colorado voters would have to approve a bond issue ensuring financing.

— Becky Rumsey

continued on next page

## Stella Montoya, La Plata Conservancy District:

"My husband worked on the A-LP project all his life and was in Washington in 1968 when President Lyndon Johnson signed the A-LP project. He chaired the conservancy district for over 30 years, and now I hold the position."

"The La Plata River has been dry this year. If we could just save that water in the winter when it's going down, we could farm the next year. Now, it's going to California for nothing. All the California people are moving up here, and with the project we could have enough water for them to drink and flush their toilets just the same as they do out there."

"To me, water storage is the same as having a big bank account. You save water, you spend the interest, and you have the money left in the bank."

— **Becky Rumsey**

## Ray Frost, Southern Ute councilman:

"I have always been against the A-LP project, even when I was running for a seat on the tribal council three years ago."

"The Southern Ute Grassroots Organization believes that the development of the Animas-La Plata project, as currently thought about, is not in the best interests of the tribe. It will not fulfill the promises of the 1986 settlement; the financial obligations it could impose on the tribe outweigh any benefits the tribe would obtain."

"It is clear the dam and pumping will damage the environment."

"We can find alternatives that are kinder to our sacred lands and water, yet still give us the required 60,000 acre-feet of water a year. One is earmarking water in existing reservoirs such as Glen Canyon Dam, enabling us to market that water and earn income each year."

— **Becky Rumsey**

## Maggie Fox, Sierra Club:

"It's interesting how we see history differently. Rep. Scott McInnis, R-Colo., talked about the settlement 10 years ago as if everyone in the whole world was there. In fact, the conservation community was not there because we were expressly excluded. I think if we had been part of those talks, some of the issues we would like to get on the table now would have been on the table then. To look at this project is to see insurmountable obstacles to its instruction. That is why a couple of years ago we commissioned an alternative study. Any proposal that grows out of this process needs to be cost-effective; it needs to be environmentally sound to the best of our ability, and it has to include participation by all of the constituencies who are expected to be affected."

— **Becky Rumsey**

# Consensus is the hope ...

continued from previous page

19th century claims, this biggest of all U.S. tribes could trump all non-Indian rights in the basin. The Navajos could do to the existing and future water uses what the Utes threatened to do.

Just as the Utes demanded, and got, recognition of their rights 10 years ago, now the Navajos and the environmentalists are at the table, using the laws that favor them to push their way into the process.

The negotiations, which appear to have been instigated by the A-LP proponents, are revolutionary in their recognition of the newest arrivals' right to be at the table. But there is no indication of how their claims will be met. The A-LP supporters have their agenda: They want to negotiate specific issues, such as water quality and endangered fish, in the hope that A-LP can mitigate its way to an early groundbreaking.

But the opponents want to go back to ground zero and study and discuss water demands in the area and non-dam alternatives like conservation and water storage in existing reservoirs to meet those demands.

Emotionally, the proponents are impatient — they've already waited a century, and they want to cut some deals and start turning dirt. Opponents have been at this for no more than a decade and they want to take the time to do a thorough job.

### Delay may favor dam opponents

Although a deal may be hard to imagine this early in the process, it is easy to see that the political momentum is on the opponents' side. Last summer, Congress came close to derunding the project when the House of Representatives snipped A-LP of \$10 million (HCN, 5/5/96). The money was restored after a plea by Sen. Campbell, but it didn't bode well for the many bigger requests the \$710 million project will make of Congress.

In addition, the environmentalists came to Arvada with an "Indian blanket" of their own: Ray Frost heads the 200-member Ute group that opposes the project. Frost calls A-LP a "hoax" that would develop 60,000 acre-feet of Indian water, but never deliver it. In a recent letter to Congress, Frost wrote "About 64 percent of the water supplied by the project goes to non-Indian users. More than 40 percent of that will go to irriga-

**A-LP drove the settlement of Ute water claims 10 years ago and that cannot be renegotiated, says Leonard Burch.**



Christopher Tomlinson

tors at a subsidy of \$5,000 an acre, allowing them to grow low-value crops with a value of only \$300 an acre."

Frost has been a lone voice on the Southern Ute tribal council. But the council's dynamics may change now that its leader, Leonard Burch, has stepped down after 30 years, due to term limits adopted in 1990.

A recent tribal election, however, was inconclusive. A runoff election will be held in December between Clement Frost, an A-LP supporter who got 168 votes, and Onan Box, who got 87. Box has taken no position on A-LP, but the two incumbent council members who were re-elected continue to support A-LP.

Meanwhile, enthusiasm in the Anglo world seems to be softening. The *Durango Herald*, a conscientious, locally owned daily, bucked local tradition this summer in two editorials that took a stand against the full project.

"It's time for a reality check," the paper wrote, and called for a scaled-down version — "an A-LP Lite" — and for a cooperative approach. The editorials were a crack in what had been a united establishment.

If events have turned against the project's backers, why shouldn't the environmentalists just keep up the pressure in the courts until A-LP is dead? A glance at the negotiating table in Arvada gives the answer: Sitting with Fox of the Sierra Club and attorney Lon Potter is Ray Frost, the Southern Ute who expects his allies to help him get water to his tribe.

### The process continues

At the moment, the process has got-

ten past its first major obstacle: All sides agreed to put lawsuits and regulatory deadlines on hold until Jan. 12, 1997.

With that done, the teams held a second meeting, this time in Denver in late October, to discuss how to proceed. How can they come up with criteria that any A-LP solution must meet? How will the group analyze the structural (dams and canals and pumps) and non-structural (conservation, water exchanges) options? Will the group make decisions by majority or by consensus?

Then there is funding. How can the opponents afford to participate? Just by being in the room, discussing alternatives, the environmentalists risk alienating their constituencies. Should they also draw down their treasures? Despite outrage from pro-A-LP interests, funds are beginning to appear. Doug Young of Gov. Romer's office says that the EPA and the Department of Interior have agreed to donate \$10,000 each to a Colorado state fund that any of the teams can apply to. And Ray Frost's Southern Ute Grassroots Organization has been granted \$30,000 by the Catholic Campaign for Human Development.

The next meeting of the negotiating group will be held Dec. 3 in Farmington, NM. It is open to the public. For further information, call Young at 303/866-2155 or e-mail him at [yvong@capiol.state.co.us](mailto:yvong@capiol.state.co.us).

Freelance writer and radio journalist **Becky Rumsey** of *Durango, Colo.*, helped research and write this report. Ed Marston is publisher of *High Country News*.

## Dear reader,

We don't think anyone has written a book about Animas-La Plata, but we've come close over the years. If you want more background on A-LP, sign onto HCN's Web site ([www.hcn.org](http://www.hcn.org)), where we've collected most of the paper's A-LP articles. If you'd prefer, send us \$10 and we will send you a printout of three major articles (including this one) and several shorter articles. Call Gretchen at 970/527-4848 for bulk and classroom rates.

If you have trouble connecting to [www.hcn.org](http://www.hcn.org), it may mean your browser is aging. We suggest upgrading: Netscape 3.0 is free and downloadable from <http://www.netscape.com>.



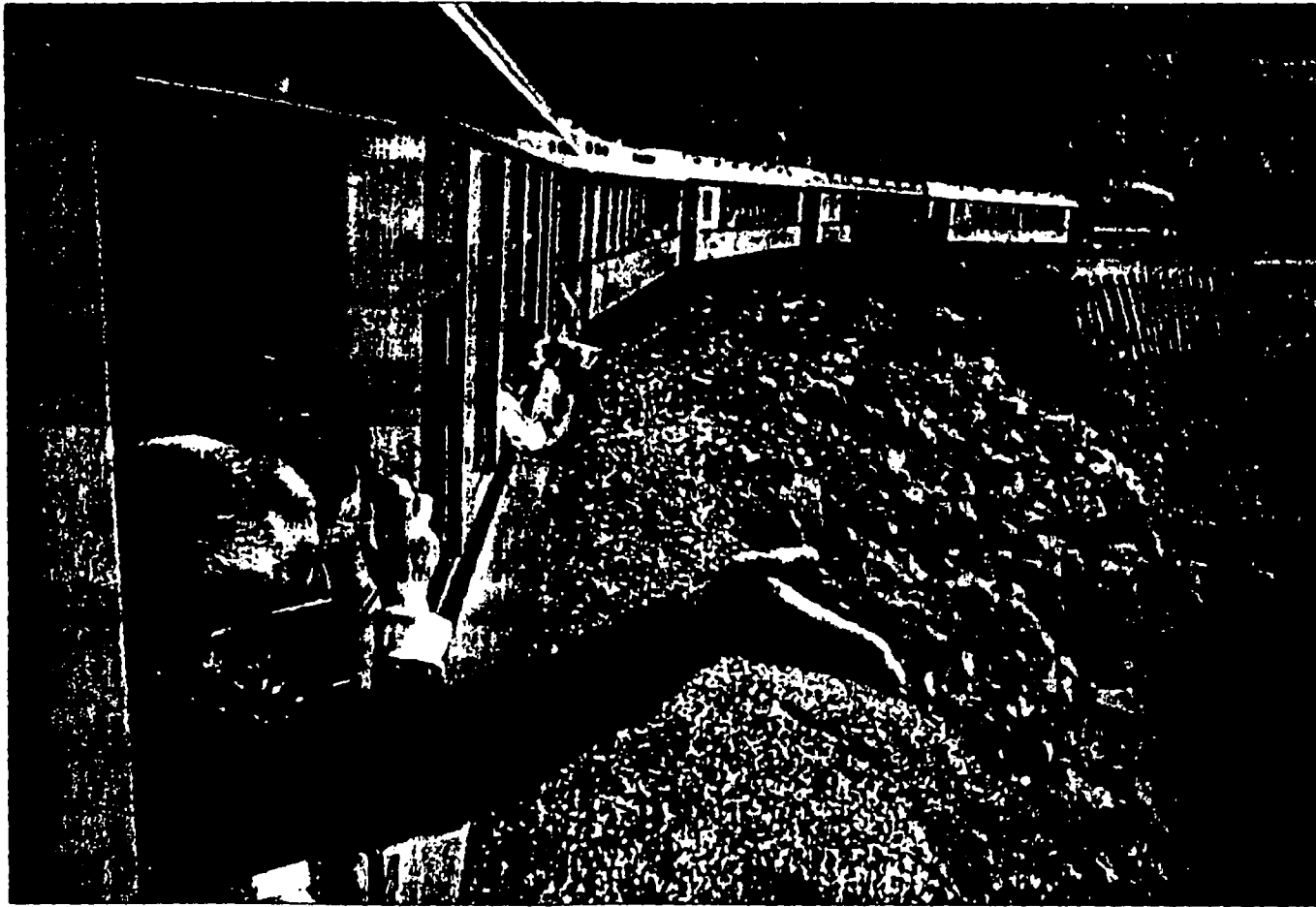
Christopher Tomlinson

The site of the proposed Ridges Basin Reservoir

lar of Events

# Southwest Life

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The antique  
railroad  
in the wild  
Animas Canyon  
is no Disney ride

# Rite of passage



Narrow Gauge passengers don't see the before their train arrives at a section of m to vanish in the thin air.



**BACKBREAKING WORK** clears the way for trains and tourists in the Animas River Canyon, or most people could never penetrate the daunting realm. Tie gang foreman Demetrio Martinez, left, a railroad worker of 39 years' experience, makes the 45-mile journey as safe as it can get for a 9-year-old rail enthusiast from Grants, N.M., Joshua Vallejos, chugging along, blissfully unaware of the canyon's danger.



DURANGO & SILVERTON Narrow Gauge passengers don't see the hard labor going on just before their train arrives at a section of track. Railroad crews seem to vanish in the thin air.

## The Animas: River of souls lost and found

Story by  
Electa Draper

Photography by  
Andrew Council



**BACKBREAKING WORK** clears the way for trains and tourists in the Animas River Canyon, or most people could never penetrate the daunting realm. The gang foreman Demetrio Martinez, left, a railroad worker of 39 years' experience, makes the 45-mile journey as safe as it can get for a 9-year-old rail enthusiast from Grants, N.M., Joshua Vallejos, chugging along, blissfully unaware of the canyon's danger.

**T**he Animas River has no rival for dominance of the canyon it created, but if any other force on earth could lay claim to the forbidding territory it is the Durango & Silverton Narrow Gauge Railroad.

A fire-breathing ambassador to a water and rock principality, the railroad has forged no real truce and can win no lasting victory. But it has never surrendered in more than a hundred years.

In early October, D&SNG veteran Johnny Martinez started his motor car patrol up the tracks to Silverton just after dawn and discovered just below Rockwood a rock the

size of a bulldozer lying on top of the tracks. It rested in a 30-inch depression of its own making and had put a good dent in the rail. Blasted by dynamite, its shattered pieces were boulders still too large for men to budge.

To the best of Roadmaster Ernie Wink's recollection, that morning's first train was delayed about an hour. Some tourists grumbled.

"You can drive yourself crazy thinking about what could go wrong," says Superintendent of Operations Dan McCall, a D&SNG vice president. "Most people don't realize what they're really on. I get the feel-

ing they sense they're on a Disney ride. But it's a 45-mile roller coaster. We're using antique equipment, and we're carrying the most precious cargo on earth."

It's a ride that climbs 2,700 feet. If you think it's less work to carry 400 people on a train than freight, think again. It might be a tourist train, but it's a working railroad that runs 1,200 trips a season through the savage beauty of the Animas Canyon.

"Once you get to Rockwood, nothing changes," McCall says. "You're looking at the same thing that has been going on for 100 years."

The canyon is remote; equipment, aid

and escape are not easy to come by should something go wrong. This past year, McCall says, there were no derailments and only two reportable injuries among roughly 200,000 passengers—both had cinders in their eyes from the coal-fired engine.

♦ ♦ ♦

It's high season, August, and one entire railroad coach is devoted to a tour group from New Orleans riding the rails.

Retired policeman Ralph Fink and his wife, Nell, are among the group on an 18-day trip from Louisiana to California, with a dozen stops, one being Durango's famous iron house.

Fink eschews the open-air car for the warmth of a closed one.

"I'm partial to the heat. I rode the motorcycle for 30 years, retired in '84. It was cold riding the motorcycles all night."

He saw his share of accidents and death and now wants to see the country. Not a railroad buff per se, the highlight of the 3½-hour trip for Fink is glimpsing wildlife. He recounts his recent encounters, of which there have been several.

"I saw a wolf yesterday," he says. "I see a lot of animals. See those woods. You've got

■ See RAILROAD, Page 8D



# Rite of passage



FIRE, WATER and muscle are needed in great supply by the Durango & Silverton Narrow Gauge's steam-powered locomotives. Fireman Adam Archibeque, far left, gives the train engine a drink at Tank Creek. He also shovels 5 tons of coal a day to feed the engine's fire. When the railroad's high season is over, Archibeque attends Fort Lewis College, where he is a senior and defensive lineman on the football team. Near left, tie gang members drive steel spikes into solid oak railroad ties all day - in the heat, cold, rain and snow.



TIE GANG member Anthony Archuleta, 33, grabs lunch, jalapeños that are "stupid hot," saltine and a can of Campbell's Chunky Soup (heated up on a burning railroad tie pulled from the track because the wood was rotten). The tie gang sweats on a carefully synchronized schedule, clearing the rails between each run of the trains. Riders might catch a glimpse of yellow hard hat; of



## RAILROAD

Continued from Page 1D

to stare right into it," he says, holding up his hands to part imaginary foliage inside the train. "I watch."

Later he confesses he doesn't know the difference between elk and deer.

"I call 'em all deer," he says sheepishly.

He is so intent on peering into the forest, he almost forgets to look up at the 14,000-foot peaks. When he does, it is the silvery trace of snow that impresses him.

"The first time I saw snow in Orleans was 1934," he says. "And the next time was 1956. We built a little snowman about this high." He holds his hand about a foot above his lap.

Fink is a gracious and good-natured man and takes no pleasure in admitting he is not awed by the Animas River, which he calls a creek.

"We pretty much lived on the river—the Mississippi. This is just a haven," he says with a sweep of his hand toward the window and the Animas.

♦ ♦ ♦

The railroaders see the Animas a little differently.

"We're at the mercy of the river," says Amos Cordova, railroad vice president in charge of public relations. "Everything that happens in the canyon is guided by the river."

When the rain is coming down in sheets, a frog-strangler like several this fall, McCall lies awake at night wondering what might be waiting on the track.

A rock slide south of Tacona in 1919 sent a Denver & Rio Grande train into the river, crushed one fireman and injured the engineer. The catalog of the catastrophe is lengthy. A light motor car driven by a Tacoma Power Plant official hit a porcupine and overturned. The car stayed on the narrow ledge called the High Line. The man inside spilled out and down the 100-foot sheer drop.

The worst floods on the Animas have been fall floods. In early September 1970, a deluge damaged or destroyed track from Tacona to Silverton. Near Tacona, the elements lifted the track clean off its bed and

laid it down in the river. The October 1911 flood washed away 22 miles of track, ripping up rail, bending the steel and even shoving a section through a tree stump.

Beyond nature's tantrums, daily track maintenance is backbreaking work.

The train moves the rail. Heat moves the rail. There's always a bolt loose, a spike up.

"It's the million little things that hold it all together," says maintenance-of-way worker Larry Zamborski. "It's all got to move together."

When the line was built, some 850 men labored little more than a year to forge the link between Durango and Silverton almost in time for July 4, 1882.

Photographs of the newly completed railroad are plentiful, but construction photos are hard to come by. Because the money came from back East, the men building the railroad didn't want the money men to know what they had invested in. If they saw the sheer granite walls of the Animas, they would know it was impossible to build a railroad there.

Men always seem to harbor the suspicion that the ones who came before them, the old-timers, were harder, tougher, better men. They didn't live too long because they worked too hard. To McCall, railroaders are men out of this mold.

"They won't quit," he says. "They will find a way to get the job done. It's a personal insult to them if they can't get the train to Silverton. With 1,200 trains a year, I've seen superhuman effort to get everything put back together."

The 37-year-old McCall says he never had a desire to run a railroad. He was waiting for a job as a schoolteacher and hired on with the D&SNG in April 1981 as a seasonal worker, swinging a hammer on the tie gang. By 1990 he was superintendent of operations. Railroading was in his blood. His father, grandfather and great-grandfather had worked on the railroad.

"You either have an aptitude or you don't," McCall says. "Two or three days off the street, you can tell if it clicks or not."

A lot of men come and go, says 36-year-old Ron Rivera.

"It's too hard for most."

Driving spikes all day with the tie gang is tooth-jarring, vertebrae-rauling work.

"Sometimes yelling helps," Rivera says.

Twenty-six-year-old Vernon Rodriguez, another third-generation railroader, says, "Sometimes you have to get a little crazy."

Sometimes that takes the form of tormenting Robert Manore, also 26, who is on the tamper crew but at times helps out on the tie gang, a collection of friends and cousins from South Durango. The tie gang calls the machinery-dominated tamper crew the "pamper crew." Manore has learned to zealously guard his lunch. Some of the food substitutions have been brutal. A Baggie full of Milk Duds was once replaced by similar looking items from the forest floor.

♦ ♦ ♦

Many passengers think little of the course chiseled through the canyon, a track clinging to rock by the river and cliffs. They don't know crews labor on the track until just before the train's arrival. The workers live and die by their watches, clearing the track on a strict schedule.

The river did its work in the canyon on a time table of hundreds of millions of years. The men measure out their work in minutes.

"If you're 30 seconds out of synch with the dispatcher, your watch needs to be adjusted," McCall says.

Rivera says a passenger might see them and yell, "Get to work." The men appear to be just standing around, having yielded ground to the locomotive.

The train has a different personality every day—it steams differently, the feel of the throttle changes. Something temperamental that weighs 150 tons demands vigilance, says the 38-year-old trainmaster, Dave Schranck, who also cooks breakfasts for his crew in the caboose.

The railroad brethren are tight, especially the "yellow hats," and they all take pride in the railroading tradition.

"When someone attacks the railroad, it feels like a personal attack," McCall says.

Man seems a puny presence compared with the Animas, but the railroad has been almost as relentless and more purposeful.



**TRACK TRAFFIC** between Durango and Silverton is heavy even between tourist trains. Vernon Rodriguez, 26, flies up and down the line with other workers in motor cars and pop cars to reach the sections where work is waiting. Below, unlike other professions, constant clock watching is a virtue for a railroader—also necessary for survival. The tamper crew's Wayne Kademan has 20 minutes this October morning to straighten out kinks in the rails, move around track ballast and get to a siding before his heavy equipment is crushed by the D&SNG's heaviest equipment, a locomotive and train hauling 200 to 400 people.





• Calendar of Events

# Southwest Life

Section

D



ANIMAS RIVER gravel miners, like Dominic Martinez of Burnett Construction Co., harvest crumbling mountains and build the community, but concerns have arisen that mining operations and their host, the river, are out of balance.

## The Animas: River of souls lost and found





# The Animas' rocky road

Story by  
Electa Draper

Photography by  
Andrew Council

**T**he Animas River sank so low in the depths of this summer's drought, it became a meandering cobblestone street for long stretches in the valley north of Durango.

But in big-water springs, the melting snow's rush out of the Animas gorge tosses so much rock around it makes the river below Baker's Bridge sound like the bowling alley of the gods. Mountains crumble and the torrent-swept hits tumble and crash and finally come to rest, lining the riverbed with a rich crop of stone, gravel and sand that ultimately builds the roads, bridges and foundations of the community.

The harvest — how it is done, how much is taken and what happens to the river channel — is now under close scrutiny because of amended federal law. The livelihoods of seven in-stream gravel operators in the North Animas Valley are at stake, and so is the health of the river.

The U.S. Army Corps of Engineers has said that this week operators applying for permits will receive copies of draft permits and conditions of operations.



**UPSTREAM OF the Dalton Pit, operated by Mountain Redd Mix, Dennis Pierce worries the company's deep hole in the river is changing the course, velocity and gradient of the Animas in a way that erodes his riverfront property.**

Operators are anxious to hear — mining usually takes place between November and March, during low water.

Problems sometimes blamed on gravel mining are bank erosion, channel entrenchment and widening, loss of vegetation, loss of fisheries habitat, property damage, lowering of the water table and irrigation ditch headgates left high and dry.

"We get to spend all the money

to defend ourselves," says Ron Pettigrew, owner of Burnett Construction Co., which has the Bard gravel mining site and a Trimble Lane processing site. "The burden of proof is completely on us."

Pettigrew, who spent about \$100,000 on the study of a sustainable harvest plan, also readily admits that he has learned a great deal that is valuable since government regulators put him on

notice about two years ago. However, he adds, the corps, Environmental Protection Agency and other agencies involved seem to believe gravel operators have created many conditions, such as extensive river braiding, which aerial photographs show has been around longer than the mining, at least according to the Burnett-commissioned study by

■ See **ROCKY ROAD**, Page 8D



**BURNETT CONSTRUCTION Co. workers load rock and gravel for transport to the crusher at the Trimble Lane facility, which makes concrete among other products.**

# ROCKY ROAD

Continued from Page 1D

Sugnet & Associates Environmental Consultants.

The study concluded that, during the last 30 years, the river has shown changes, but they probably have been caused by "the tremendous physical forces of a highly dynamic, unstable river system."

Pick up a rock from Animas' banks. It could be 1.8 billion years old.

The oldest rocks exposed are Precambrian rocks: granite, metamorphic, gneiss, schist, quartzite and metamorphosed conglomerate. Hard and durable, these rocks become rounded after being knocked about by the Animas. These are the best rocks for gravel, the Burnett study says. These rocks also underlie some of the San Juan Mountains' highest peaks and form much of the narrow Animas Canyon above Baker's Bridge. Many other rocks commonly found are weak and quickly reduced to sand, silt and clay.

The Burnett study recounts the history of this corner of earth:

Some 35 million years ago, former highlands had worn down to a subdued topography. Then intense volcanism elevated enormous sheets of deeply buried Precambrian rocks until they became mountain caps. Volcanism also caused the foundering of large blocks of earth to form calderas, such as the huge crater that is the Silverton caldera. And volcanism put the gold, silver and other minerals into the region's veins.

This uplifting event 35 million years ago, combined with the latest and geologically very recent uplift, which probably started a few million years ago, made this area's mountains, rivers and lakes.

As the mountains grew high, ice formed to cover peaks and fill valleys with glaciers. These slowly moving bodies of ice sculpted the region's landscape. Several glaciations have taken place in the last few million years; most have happened in the last 1.5 million years. The last glaciation, the Pinedale glaciation, peaked about 20,000 years ago and ended about 10,000



HERALD/ANDREW COUNCILL

**TWO MILES south of Baker's Bridge, the first of seven gravel mining operations in the valley north of Durango appears on the banks of the Animas River. The Thomas Pit, first mined in the 1930s and mined regularly since 1968, is on property owned by Donna L. Thompson and Collen J. Bryce and leased to Mountain Redi Mix.**

in Durango. When the glacier retreated during a warmer and drier period, a lake formed — its upstream shoreline in the area between Trimble Lane and Hermosa Creek. The glacier gone, Animas River came into its own, carving its narrow gorge (inset into the U-shaped glacial valley) above what is now Baker's Bridge. The river cut down an average of 4.2 feet per thousand years. It emptied into the lake. The lake eventually filled and the river advanced, cutting its way down through what is now Durango and on to its destination, the San Juan River.

The Animas is a textbook example of a system out of equilibrium, the Burnett study claims. The significant disturbance is a naturally occurring one, the carving of the valley by the Pinedale Glacier and the temporary damming of the Animas by the Pinedale moraine after the glacier was gone. The river now

which in turn affects the balance between erosion, transportation of rocks and other material and deposition of this material. Where high, course loads meet with decreasing gradient and velocity, gravel bars form across the river.

The Burnett study claims, and it remains to be seen whether the government's experts agree, that gravel mining has not caused significant changes in the character of the Animas River but only localized erosion and channelization in the

vicinity of some extraction operations. The study says gravel bar skinning is not very invasive but "deep hole" mining can have lasting effects on the river.

For Dennis Pierce, the effects of Mountain Redi Mix's deep hole just downstream of his property appear obvious. The hole is variably estimated at 30 feet to 60 feet deep. The diversion of the river and change in its gradient and velocity have led to erosion of his property and a significant change in the

river's course, Pierce believes.

The Army Corps of Engineers' Southwest Colorado chief, Ken Jacobson, says the agency doesn't have absolute proof of gravel mining's effects on the river, but it is going to try to find out over the next three years, the new permit period.

"We're not trying to get an immediate fix," Jacobson says. "We're trying to get a better understanding of what's going on."

The new permits, though not yet released, will limit annual extraction of sand and gravel to a specified amount (not yet disclosed) and — this is a significant change — operators will not be allowed to excavate below the existing elevation of the low-flow river channel without consulting the corps. Also, extensive water-quality monitoring will be required.

Richard Tibbits, one of the lessees of the Mountain Redi Mix Thomas Pit, says the operators will work with the corps to find

some answers.

"We're trying to help come up with some valid information," Tibbits says. "Everybody needs rock. Where's it going to come from? If they don't allow our deep-pit mining, we'll have to have more surface — a longer stretch. At least that's what we'll ask for."

Pierce, the Thomas Pit neighbor who worries about impacts on his land, says he doesn't want anybody to go out of business.

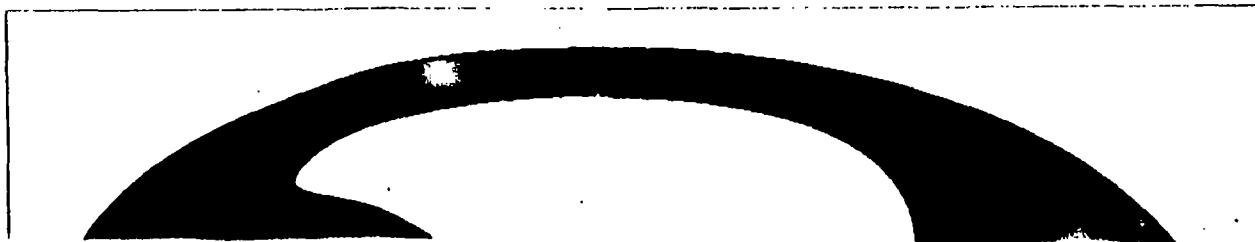
"As far as I'm concerned, they have the right to do what they are permitted to do," Pierce says. "However, they have to do it with a certain amount of responsibility. When I bought the property, I knew the gravel pit was there. I don't want to sound like a transplanted Californian who just got here last week. As far as I'm concerned, they can continue into the foreseeable future as long as they follow the rules."

The gravel miners should know soon what the new rules are.

## GRAVEL MINING APPLICANTS

The applicants for permits under the Clean Water Act to mine Animas River gravel are:

- Mountain Redi Mix (previously Animas Aggregates) for its Thomas Pit about two miles downstream of Baker's Bridge, first mined in the 1930s but mined regularly since 1968.
- Burnett Construction Co. for its Bar-D Pit about nine miles north of Durango city limits, mined since the mid-1970s.
- Sandco Inc. for its Willow Bend Pit about two miles north of Durango, mined since 1986.
- Sandco for its Walker Pit about four miles north of Durango, mined for about 40 years.
- Sandco for its Dalton Pit about seven miles north of Durango, past permits dating back to 1982.
- Animas Valley Sand and Gravel Inc.'s pit about six miles north of Durango, mined since the late 1950s.
- Hermosa Meadows Camper Park's Hermosa Meadows Pit about eight miles north of Durango, mined since about 1960.



# What next for mineless Leadville?

Residents wonder if it will survive without becoming a tourist town

By Robert Weller  
Associated Press Writer

LEADVILLE — The surprise announcement of the closure of its last mine has left this historic former mining camp wondering how it will survive without becoming another tourist tinsel town.

"It's almost like a death spiral," said Lake County Commissioner Jim Martin.

Asarco announced recently that it was shutting the Black Cloud Mine, laying off about 120 workers at the zinc, lead and silver facility.

For the first time in living memory, Leadville — once one of the most celebrated mining camps of the world — is without a producing mine.

"This is Asarco's birthplace," noted Carl Miller, director of the National Mining Museum. "It's devastating for the community."

In pure financial terms, the Asarco closure's impact will be much smaller than the 1987 shut-down of the Climax molybdenum mine in 1987, when 3,000 workers were laid off. By some estimates the county lost more in property taxes in two years than any other community of similar size in the nation's history.

In symbolic terms, Asarco's closure may hurt more. More longtime residents will have to leave. Even Molly Brown, the Leadville resident famous for surviving the Titanic sinking, might find today's global economy more than a match.

Martin's son is "working at a mine in Alaska, because he couldn't get a job down here."

Grant Dunham, editor of the *Herald Democrat* newspaper, said mining jobs mean more than good money.

"I count myself as lucky that I worked in a mine," he said. In this week's editorial Dunham wrote: "I'm afraid we're losing a piece of ourselves."

Walli Azelune, who has worked at Black Cloud for 18 years, said, "It's kind of like Leadville's losing its identity." But he added, "I'm not taking off for Nevada. I like it here."

Azelune is in a better position than most of the laid-off workers. He will be working until December, helping shut the mine down, and he has the kind of experience to qualify for a job in a ski area snow-



ASSOCIATED PRESS

SAM McGEORGE, left, and Sid Lloyd chat in the entrance to the Asarco mine shaft in Leadville. Asarco is shutting down the Black Cloud mine, laying off about 120 workers at the zinc, lead and silver factory.

"We're not going to give up without a fight. I hope they (Asarco) don't forget their roots."

Carl Miller,  
director of National Mining Museum

making department, which pays better than many resort jobs.

"We're not going to give up without a fight," said Miller. "I hope they (Asarco) don't forget their roots."

He said the closure caught everyone by surprise. "The truth is everyone was optimistic." The company had just installed a new mill at the mine.

"Even the bosses up there (at the mine) didn't know it was coming," said Azelune.

Asarco, in a statement, said the mine was closing because of low prices for the 15,400 tons of zinc, 5,000 tons of lead and 347,000 ounces of silver it produced last year.

The statement added: "The mine is being shut down for an indefinite period and put on a second maintenance basis. It is not being permanently closed and will re-open when economic circumstances permit."

Miller, who worked at Climax, said, "Once a mine is closed it's difficult to reopen." The Climax molybdenum mine reopened last year, but was quickly closed again.

Leadville's economy had been making headway. Sales tax revenues were up 17 percent last year and 12 percent so far this year. Some middle-level employees of resorts in Summit and Eagle counties had been priced out, and moved here and commute to their jobs.

Asarco employees will be forced to leave or take service sector jobs at Vail or Copper Mountain that pay half as much as mining jobs, and require dangerous daily drives on snowy mountain roads.

Leadville had long been a bedroom community for resorts, but most often for low-paid manual workers, many of them Hispanics. Twelve percent of the county's 6,700 residents are believed to be

illegal workers or their families.

Martin said that with this latest setback, the Legislature is going to have to help Lake County. He said elected officials in Eagle and Summit counties, whose governments benefit directly from the tourism industry, are going to have to offer Lake County more than sympathy. He said Lake County cannot afford to continue subsidizing the resort industry.

In the past decade, the county's assessed evaluation has dropped from \$250 million to \$44 million, and provisions of state law governing residential property taxes probably will mandate a further property tax cut reducing the total assessed valuation an additional \$3 million, officials said. At the same time Lake County has faced a growing burden of providing social services to low-paid service sector workers.

The county has looked at enticing manufacturing. A bicycle helmet maker set up shop, but moved to Colorado Springs after two years.

"It's going to be difficult (to attract industry) because we have a high mill level. We have a high altitude (10,200 feet), long winters and the railroad may be pulling out," said Martin.

# Animas-LaPlata water project drenched in fierce controversy

By H. JOSEF HEBERT 11-13-86  
Associated Press

**DURANGO** — From a bluff over Durango, river guide Mike Black points to the Animas — the River of Lost Souls, the Spanish called it — as it snakes down from the mountains, past tourist shops and restaurants, to gush through a grassy field.

That's where the pumping station will be, he says.

It's where, if supporters of the West's last colossal taxpayer-financed federal irrigation project get their way, millions of gallons of water a day will be pumped from the Animas, pushed 1,000 feet over two mountain ridges and sent through pipes to irrigate a parched corner of south-west Colorado.

No earth has yet been turned. But in its simplest form, the \$714 million project — many believe it could exceed \$1 billion — calls for water to be taken from one river, stored in a massive reservoir and then placed in another river, the low-flowing LaPlata. It would take 1,000 workers and 15 years to complete.

"It doesn't make sense," complains Black, who fears the project will destroy the recreational value of one of the West's last free-flowing rivers, while spurring unneeded growth.

But the controversy over Animas-LaPlata is more complex than that. It is a classic western conflict over water, Indian claims, the pace of development and environmental protection.

And in the West, where water is more precious than silver, the conflict is fierce.

"An agreement is an agreement," says Leonard Burch, tribal chairman of the Southern Utes tribe for most of the last 30 years. "Why should the Indians back off? Who else is going to back off from a good deal with the United States government?"

But critics cite government studies that call the project an



Associated Press

**SOURCE OF DISSENT:** River guide Mike Black points to the Animas River where the water pump plant would be built if the \$714 million taxpayer-financed Animas-LaPlata water project goes through near Durango.

economic disaster with an expected return of only 36 cents for every \$1 spent. One study estimates it will cost \$7,400 an acre to irrigate parched farmland worth only several hundred dollars an acre.

And critics say its water will be so expensive that towns won't be able to buy it.

"It's the last of the big western pork barrel projects. It's the end of an era, an enormous boondoggle," says David Conrad of the National Wildlife Federation.

Even some Utes call it little more than a scheme to benefit land developers more than the Indians.

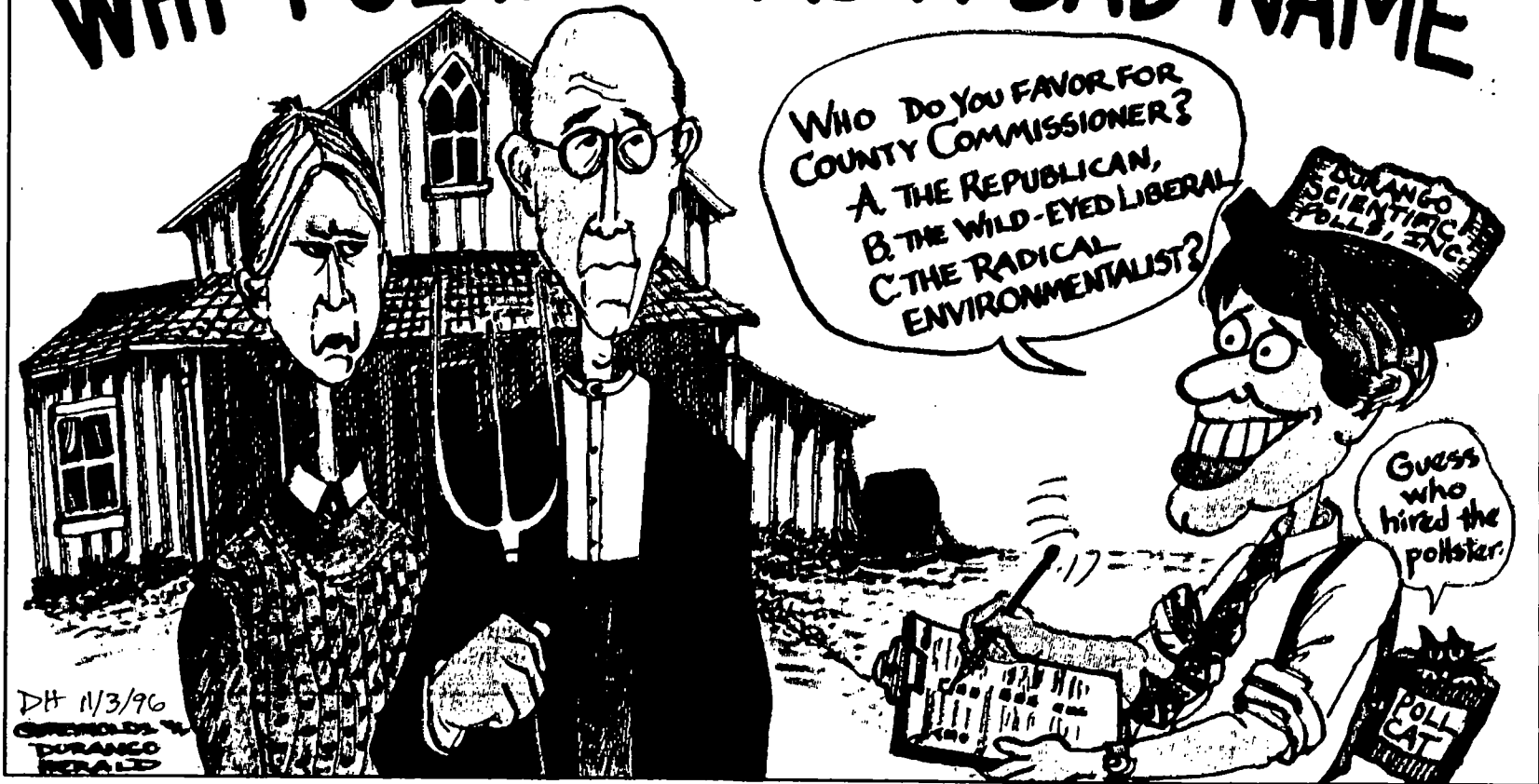
Authorized by Congress in the 1960s, the project was near

death when it was resuscitated in 1988 as a way to satisfy the Colorado Ute Indian's water claims. In all, Congress has provided \$62 million over the last 10 years including \$10 million this year.

The plan calls for 190,000 acre-feet of water to be diverted for irrigation and town uses, with about a third going to the Ute tribes — both the Southern Ute and their brethren farther west, the Ute Mountain Ute.

Burch says the environmental problems can be solved. But the Environmental Protection Agency has held off approval, citing concerns that water quality will be harmed downstream, a concern also raised by New Mexico's attorney general.

# WHY POLLING HAS A BAD NAME



PREV  
PAGE

## DISTRICT 3

Continued from Page 1A

"That doesn't happen very often here."

Joswick said work returns to normal today with meetings as usual. He also said the race with Anderson was clean and well-run on both sides.

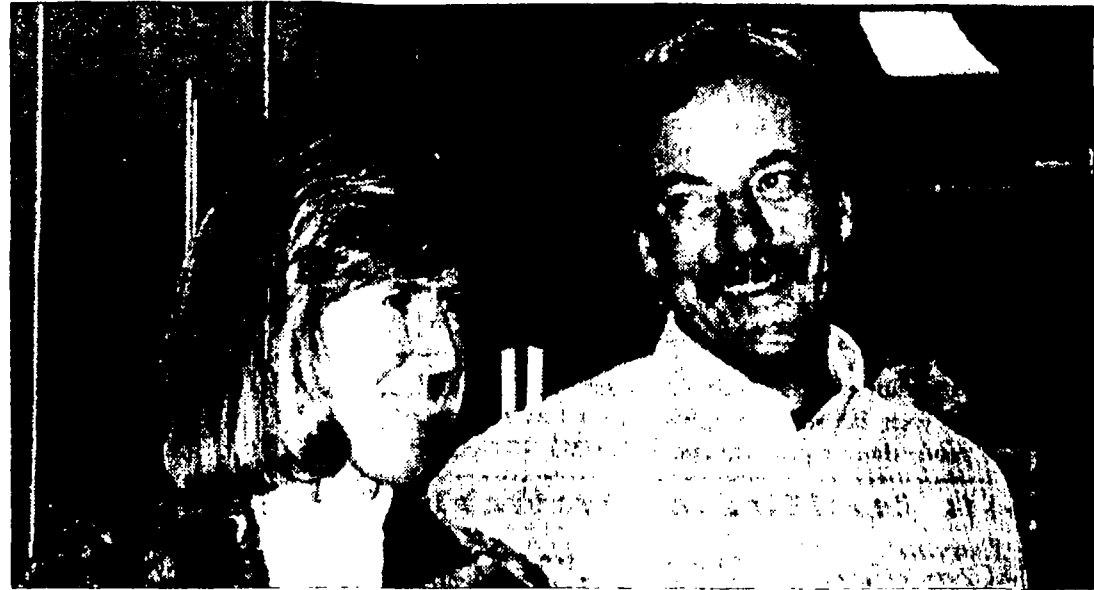
"He was a tough opponent."

Anderson also said the campaign was clean, and he got the issues addressed — solid waste disposal, getting the fairgrounds dispute off dead center, and other issues that he wanted to address.

"I'm glad he complied with my request to keep the race clean," Anderson said. "I congratulate him."

The election results are not official until certified, and County Clerk Linda Daley said turnout was quite strong, somewhere around 65 percent. While nearly 28,000 voters are on the rolls in the county, she said the actual number is probably closer to 21,000 because people cannot be purged from the rolls until they miss two election cycles.

Early voting was close, with Joswick getting a 67-vote advantage going into Tuesday night. Mail-in ballots accounted for a very small percentage of total votes, with Anderson gaining a



HERALD/ANTOINETTE VECCHIO

**COUNTY COMMISSIONER** Incumbent Frank "Josh" Joswick celebrates his victory with his wife, Pam, during a stop at the *Durango Herald* Tuesday night. Joswick, a Democrat, took 53.56 percent of the vote, defeating Republican opponent Franklin Anderson for the District 3 seat.

slight 75-vote edge there.

Joswick will not be likely to run for a third term in four years. La Plata County voters rejected an attempt to abolish a two-term limit set by

a vote in 1994. The ballot question asking voters to eliminate the term limits fell by a wide 27 percent margin, with 9,896 voting no and 5,716 voting yes.

## If convicted, take A-LP board seat

TO THE EDITOR:

DH 11/5/96

Bravo to Kathy Stanford and Crista Mahlum for reporting to the police the alleged lewd behavior of Jeff Morrissey, as reported in the recent *Herald* story titled, "A-LP official accused of parking-lot vulgarity." Certainly I'd be equally incensed if some pretentious, self-proclaimed public official made a similar lewd remark while I was loading a sack of San Luis Valley potatoes into my mini-van.

But Crista Mahlum made an innocent mistake. She said, I quote, "I wonder how a man of his class even got elected."

There's the rub. Morrissey is a member of the Ani-

mas-La Plata Water Conservancy District board, which is a taxing board, but he was not elected, he was appointed by a judge.

If Morrissey is convicted of the charges levied against him I'd say ask the judge to remove Morrissey from office. An appeal to the judge is your only recourse.

You should also ask your state representative Jim Dyer why he voted against election of these water boards.

Jeanne W. Englert  
Lafayette

# Mining firms go green <sup>B1</sup> <sup>ATF</sup>

## Regs spur care of environment

By Kerri S. Smith <sup>OCT. 27 1996</sup>  
Denver Post Business Writer

**M**ining companies in Colorado spent more than \$10 million this year to clean up the state's metals-contaminated dirt, rock and water in hopes of getting "Mother EPA" off their backs.

The miners want the Environmental Protection Agency to release them from future financial liability for mines closed temporarily or permanently.

That's tough, though, because environmental laws usually tag the last company into a mine with long-term responsibility for any contamination that turns up later.

It's even tougher in Colorado, where almost all mine permits — which makes the holder responsible for the property — are awarded "for the life of the mine."

Many mining companies are even agreeing to clean up messes left by other miners in exchange for special consideration at their own mines. Colorado's Voluntary Clean-Up and Redevelopment Act of 1993 allows such incentives for companies that help fix up abandoned mining areas.

In some cases, the miners angle to be released from their mining permits altogether. Companies say it's worth the cost, even when the toll reaches several million dollars and takes up to a decade of reclamation work, to shake loose a property they no longer want.

That's the case with the Sunnyside Gold Mine near Silverton, bought by Echo Bay Mines Ltd. in 1985. Since shutting the mine down in 1991, the Eaglewood company has spent \$10 million treating fouled water, plugging the mine opening, bulldozing tailings piles.

Please see MINING on 5-I

MINING from Page 1-I

adding topsoil and planting grasses, shrubs and trees.

Spokeswoman Jill Paukert says Echo Bay will spend another \$5 million to \$10 million and at least two years to improve water quality in the Upper Animas Basin by removing tailings and waste piles from abandoned mine sites beyond their property. Some of the sites are leaching poisons into the Animas River.

In exchange, Echo Bay's permits to Sunnyside Gold Mine will be terminated around the year 2003.

"We will be able to achieve final mine closure and be released from our permits," Paukert said. "We'll also continue to monitor water quality in the river basin."

Such arrangements are part of the new mining reality, said Eleanor Dwight, spokeswoman for the

EPA's local Superfund sites.

"We had to take them to court a few times, but now, mining companies — especially ARCO, Asarco and Newmont — have accepted the industry's legacy and really stepped up to the plate, paying for a lot of cleanups," Dwight said.

"And in terms of re-mining, they often want us to leave an area alone, because someday they want to go back in."

That's because a mine's resource — gold, uranium, molybdenum — is rarely tapped out when the company decides to temporarily shut down or permanently close it, according to Rob Walline, a reclamation expert with the EPA's Denver office.

The decision to re-mine already-mined rock, called "tailings," reopen the mine or dig nearby is an economic one. It depends on the quality of the mineral or ore re-

al sites within the area so that it can be developed," O'Connor explained.

The cost: \$1 million and two years of work. The payoff: Atlantic Richfield's Rico properties are almost certain to escape Superfund designation.

At West Elk Coal Mine, ARCO's only operating property in Colorado, a comprehensive reclamation plan already is on the books, although the mine is still in its mid-production years.

"Mining and reclamation go together now," explained Loretta Pineda, spokeswoman for the Colorado Division of Minerals and Geology. "Reclamation plans are drawn up before new mines are

started."

It's not just an altruistic urge that has miners reclaiming earlier and more: An amendment to the Colorado Mine Land Reclamation Act now requires simultaneous reclamation at mines when possible.

Aided by innovative techniques and prodded by the combination of federal and state laws, an increasing number of mining companies are doing just that.

"They're finding better, cheaper and faster ways to meet government regulations, especially in hard-rock mining," said Matt Hrebar, an associate professor who teaches reclamation at the Colorado School of Mines.

Some companies now build wa-

ter treatment plants into the mine itself, to clean up water before it leaks out.

A few of the smaller operations — including Battle Mountain Gold Mining's open-pit mine in San Luis — are back-filling the enormous, terraced pits created by hard-rock mining, going beyond what is required by state law.

Hrebar said miners also have found more efficient ways to deal with contaminated rock, by burying it deep within the earth, encapsulated by a 50-foot buffer of dirt, sometimes capped by clay.

One of the newest techniques involves shoveling top soil onto each

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Please see MINING on 6-I

## ONE MINUTE PROFILE

NAME: Dave Carter

OCT. 28 1996



TITLE: President, Rocky Mountain Farmers Union  
AGE: 42  
EDUCATION: Bachelor's degree in journalism, 1976, from the University of Northern Colorado  
HEADLINE: Helping develop agricultural co-op in San Luis valley that will provide kosher meat by

November. A second co-op for wheat farmers is in the beginning stages.

PERSONAL: Lives in Westminster. Married with two children, Joanna, 13, and Jeff, 9. Private pilot who saves travel time by flying his 1965 Mooney to rural constituents at least twice a week.

PROFESSIONAL PASSION: To maintain quality of life in the rural West by helping owners of small- and medium-sized farms and ranches.



Kerri S. Smith

Beat: Utilities, telephone services, energy, mining, agriculture  
Phone: 820-1733



# Polymer maker gets prison for Mojave dumps

DP OCT. 27 1996  
By the Los Angeles Times

RIVERSIDE, Calif. — A Las Vegas businessman has been sentenced to 46 months in federal prison for dumping hazardous industrial waste in the Mojave Desert under cover of darkness.

Gene LeFave, president and owner of Fluid Polymers Inc., previously had pleaded guilty and was sentenced by U.S. District Judge Robert Timlin.

The company manufactured adhesives and rubber products. LeFave, his son, Louis, and two grandsons dumped 97 barrels of waste rather than pay \$1,000 per barrel to a licensed hazardous waste disposal company.

The dumping occurred during a five-month period in 1995. Federal and state wardens discovered portions of 12 different dump sites, and federal investigators found evidence linking the 55-gallon drums to the company. They then tailed the suspects in a "midnight run" to the desert, leading to the arrests.

## FOUR CORNERS

### Board member cited for conduct

DURANGO — Two counts of disorderly conduct have been filed against a water project board member who allegedly made lewd remarks to two women whose automobiles bore bumper stickers opposing the project.

Jeff Morrissey is a board member of the Animas-La Plata Water Conservancy District and a former mayor of Durango.

Each disorderly conduct citation carries a possible sentence of 90 days in jail and a \$1,000 fine.

"He asked me if I (performed certain acts) and made several other sexually explicit comments," Crista Mahlum told the Durango Herald. "I wonder how a man of his class even got elected."

Morrissey is scheduled to appear in Municipal Court on Nov. 20.

OCT. 26 1996

## EMPIRE

DP OCT. 26 1996

## EASTERN PLAINS

### New watershed project begun

LAMAR — A new watershed improvement project has been started in Bent and Prowers counties.

The Limestone-Graveyard Creeks Watershed project will cover about 60,000 acres on the north side of the Arkansas River between Hasty and Lamar.

The Natural Resources Conservation Service effort is designed to help farmers improve water quality and efficiency and reduce soil erosion. Farmers will create conservation plans with conservation service workers, with costs for the improvements split between farmers and the federal government.

## OCT. 26 1996 Two yes votes for open space

Douglas County voters have an opportunity on Nov. 5 to help ensure the protection of open space in America's fastest-growing county. Issue 1B — the Douglas County Open Space Bond Issue — will authorize \$25 million in bonds for "acquiring and preserving open space lands," and for parks and trails. The bonds will be repaid through the existing, dedicated sales tax, which voters approved in 1994. No new taxes are required.

There are some urgent opportunities to preserve magnificent lands in Douglas County, including the mountain backdrop near Roxborough State Park; lands that buffer Castlewood Canyon State Park; and scenic vistas along Interstate 25 south of Castle Rock, including the historic Greenland Ranch. The cost of purchasing these lands is escalating as the county continues to grow. By funding purchases now, through bonds, more land and water can be preserved for future generations.

We urge all Douglas County voters to vote "yes" on Issue 1B on Nov. 5. We must act now to control our growth before it is too late for the land and the wildlife.

MICKI CLARK, Chairman  
Douglas County Open Space Advisory

The beauty of Douglas County will be preserved only through the continued purchase and dedication of land to open space. The opportunity to purchase these available lands is rapidly disappearing.

This open space provides to the public the enjoyment of "hands on" contact with nature, the availability of historic research, habitats for rare or endangered species, as well as other recreational and educational opportunities.

It is a fact that property values throughout the county dramatically appreciate as a result of proximity to open space. Additionally, the cost imposed on local government to provide services is appreciably less for land dedicated to this open space.

The public benefit of our quality of life and social welfare can be protected for our children and grandchildren through today's purchase and preservation of open space.

A yes vote on Referendum 1B will enable the purchase of these lands while they are still available, and we have the opportunity to do so — and, best of all, it will not increase our taxes.

LEA NIAROT, President  
Douglas Elbert Board of Electors

## Stifle sprawl with growth limits

I grew up on the Western Slope, and every time I go down there to visit family, I see more and more growth and development taking over land that was once open space and ranches. I see the rampant growth, the sprawl, happening here in Denver, too.

The best argument I've heard to control Colorado's sprawl and prevent our whole state from being a big suburb is to implement a growth boundary around the metro area. The Denver Regional Council of Governments is working on a plan to implement a 700-square-mile boundary around the Denver metro area. The growth boundary would be an asset to the metro area by planning our development and growth better and preserving open space and agricultural lands. The growth boundary will also continue to make Denver an attractive place while making sure that rural Colorado stays rural and open.

Our quality of life is dependent upon controlling and planning our growth to prevent our trend of becoming a big suburb. Implementing a growth boundary is a solution that can work.

OCT. 26 1996 SUSAN SPANGLER  
Denver

# A-LP backers, foes seek common ground

Duango should  
Oct 10, 1976

By Electa Draper  
Herald Regional Editor

ARVADA — Anyone who is anybody in the interminable fight to build and equally relentless effort to kill the Animas-La Plata water project was called to the negotiating table Wednesday by Gov. Roy Romer to just get on with it.

"We're here to solve a problem," Romer said. "We need to solve this problem. . . This is not fun politically for anybody at the table."

Thirty days before a presidential election, Romer acknowledged, was awkward timing. But Secretary of Interior Bruce Babbitt showed up, bringing, he said, "the three reins I have over bureaucratic horses."

Babbitt said the three, the Bureau of

Reclamation, the Fish and Wildlife Service and the Bureau of Indian Affairs, have been known to charge off in different directions. He has appointed a counselor of his, Joseph Sachs, to be the Interior Department's spokesman in the proposed negotiations.

"This process can work," Babbitt said. "I share your sense we can get the job done."

Then he promptly left. Romer also had to leave fairly early in the day leaving Lt. Gov. Gail Schoettler in charge.

"For those of you who might have a tendency to not pick, I don't," she said.

There were warnings that the parties not attack one another or play out the issues in the press. "Lay it on the table here," Schoettler said.

Project protagonists and antagonists

generally accepted the ground rules and mapped out how talks will ensue over the next days and months.

A-LP opposition, represented by Sierra Club spokeswoman Maggie Fox, insisted that the Bureau of Reclamation cease progress, however glacial, toward construction of A-LP while discussions take place, or opponents will not participate.

Intensive meetings on the issue were scheduled over the next week. Other "stand still" agreements, on lawsuits and lobbying reportedly were close at hand.

Fox also demanded on behalf of the coalition of interests she represents that government pay travel and some other negotiation-related expenses of the opponents' largely volunteer army. Schoettler said officials could work hard to find fund-

ing, but she made no guarantees.

The end of the day, Fox and allied attorney Lori Potter said they and others were determined to work things out rather than walk out.

Smaller work groups will meet over the next two months to discuss what the shape of a solution might look like. The next general meeting is scheduled for Dec. 3 in Farmington.

A general consensus seemed to emerge on one facet of A-LP: No one seemed willing to try to renegotiate the water rights of the Southern Ute and Ute Mountain Ute tribes — rights quantified in the 1986 Colorado Ute Indian Water Rights Settlement Agreement.

Those at the table Wednesday included two states, Colorado and New Mexico, the

two tribes, two water districts, Interior, the Environmental Protection Agency, and a coalition of interests, local and national, opposed to A-LP for environmental and economic reasons.

The Navajo Nation was almost at the table. Tribal water attorney Stanley Pollerck said the Navajo Nation supports the water rights of its sister tribes, but it doesn't necessarily support A-LP because the project's non-Indian beneficiaries could take water the Navajos might lay claim to.

Duango Mayor Lee Gaddard said the city could no longer wait for a resolution of A-LP for additional municipal water. It had to move forward on other options. He also said the city probably couldn't afford A-LP water if the cost, as reported in the bureau's 1995 economic update, was to hold true.

# State asks county to delay new regs on gas industry

By Electa Draper  
Herald Regional Editor

D. R.  
11/26/16

The state and county are trying to define their respective boundaries in the oil and gas field but find themselves in a political pressure cooker, with heat supplied by both the industry and landowners who don't have mineral rights, only the impacts of production.

La Plata County commissioners will hold a public hearing Dec. 16 at the courthouse on a state proposal they suspend some of their recently adopted oil and gas rules for six months and hold off adopting two other regs until the two governments better sort out jurisdictions.

The appointed members of the Colorado Oil and Gas Conservation Commission asked county commissioners last Tuesday in Den-

ver for a moratorium on county regs while dialogue continues on which state regulations should be modified in deference to local land-use authority and which county rules are pre-empted by state rule.

In 1992, the Colorado Supreme Court, in *Bowen/Edward v. Board of County Commissioners of La Plata County*, ruled that the state reigns over the technical, operational aspects of the oil and gas industry, but the county can regulate land use and surface impacts associated with oil and gas development as long as it does not create operational conflicts.

Which county actions would constitute operational conflicts have never been defined.

County commissioners held a work session on the subject Mon-

■ See REGS, Page 10A

## REGS —

Continued from Page 1A

day afternoon and expressed impatience and frustration with the idea of a moratorium while acknowledging it may be the only way to stay out of court.

COGCC member Mike Matheson, from Bayfield, said it is time to for the state and county to clearly define their relationship and work out a way for their regulations to dovetail in the real world.

Commissioner Josh Joswick said he opposes a moratorium. Commissioners Shirley Baty and Fred Klatt were more ambivalent.

"The only real reason I have to support this proposed process by the COGCC," Baty said, "is the financial cost to the county if we end up in a litigation situation."

Baty said she opposed the six-month suspension period advocated by the state because it is too long. She also said consideration of the state's proposal doesn't mean she no longer backs the county's regs.

"I want the state to adopt our regs," she said after the work session. "I think our regulations are

fine, but I don't want it to be us against the world if we can get it done another way."

Klatt said he was impatient to get on with the county regulations, but it could prove wise to meet with the state if it would help to avoid court.

On Oct. 2, county commissioners adopted stricter regulations on noise and visual-impact mitigation. These are the regs the COGCC wants suspended for six months. The county also approved a requirement for industry to write emergency-preparedness plans. This regulation has raised no opposition, and the COGCC agrees it should remain in full force and effect.

The county commissioners have yet to vote on a proposed regulation that would give surface owners the right to determine where an oil or gas well or other minor facility is located on their land as long as the site lies within the state's prescribed drilling window (about 20 acres for a Fruitland coalgas well). Surface owners could not dictate placement of a well within a geological

hazard, wetland, floodway or other unreasonable site. Another proposed rule outlines how a county mediator would be engaged to settle disputes.

Industry representatives have said that, if the noise and visual impact regulations bait a lawsuit, the well-siting reg is destined for court.

County commissioners set discussion on this proposed reg for Dec. 16, too. There will be a lot to talk about.

"It's been close to two years ... since we started this (rulemaking)," Planning Engineer Mike Russell told commissioners Monday. "I feel very strongly that what we did was within local government jurisdiction. ... State regs have actually pushed into ... our game, instead of us jumping into theirs."

"I feel very frustrated. I understand you don't want ... a lawsuit, but at certain times you need to stand your ground."

Russell told commissioners three applications for major facilities, gas compressors, are waiting in the wings. A moratorium now would be a bonus for industry.

# 'Sucks' accurately describes A-LP

D.H. 11-19-96

## TO THE EDITOR:

OK, nobody is perfect. But really, what kind of a man would stand around a parking lot allegedly making lewd remarks to strangers, especially women? And what kind of men would slither from under their rocks to coil in his defense? It seems to me that a man who claims to be a leader, would simply acknowledge his mistake and apologize. But then leadership isn't what it used to be.

As for the statement "A-LP Sucks (Water)" nothing could be more accurate in describing this project. Using Webster's definition, it sucks money, electricity, some fish, perhaps an occasional kayaker, but most of

all it sucks water. That is a fact. And it will remain a fact unless the pumping station at Gateway Park is eliminated from its design.

As far as the ludicrous statement regarding A-LP supporters standing nothing to gain, get real. If that is true, these supporters are bored stupid. I know that Sam Maynes, (A-LP proponent deluxe) is none of the above, he's made a bundle off this project already. Once again the A-LP sucks water by design. (Nothing sexual about it) but it also bites!

Rod Craig  
Durango

# Morrissey should be off A-LP board

## TO THE EDITOR:

In light of Jeff Morrissey's alleged actions, I strongly feel he should be removed from the board of the Animas-La Plata Water Conservancy District.

As a former mayor and a present A-LP board member, Morrissey has a certain responsibility to treat others with respect.

In what he is alleged to have done, Morrissey has shown a lack of respect for conflicting politics.

He is alleged to have acted in a lewd, threatening

manner that is in no way appropriate for a member of the Water Conservancy District. Since when do public officials get to enforce their own politics by threatening citizens into submission?

Morrissey's alleged sexual threats have demonstrated a lack of judgment, clarity and common decency. He has no place on the Animas-La Plata Water Conservancy District board.

Alison Walter  
Durango

## Seedlings to be planted at fire site

11/23/96

The Southern Ute Tribe Conservation Corps and Bureau of Indian Affairs Forestry Branch are planting more than 60,000 pinon seedlings on Blackridge to replace some of the trees burned during the Blackridge Fire. Funding for the project came from a grant from the American Forests in conjunction with the Eddie Bauer Co.'s nationwide Global Releaf program.

The 500,000th tree donated by Eddie Bauer will be planted on Blackridge. In commemoration of this event, a ceremony at the planting site will dedicate a sign and plaque recognizing the work of the American Forests, the Eddie Bauer Global Releaf program, the BIA Forestry Branch and the Southern Ute Tribe. The ceremony will be held the morning of Nov. 26 at the site on the Sawmill Creek Road.

## BLM taking comment on draft plan items

11-15-96

The Bureau of Land Management's San Juan Resource Area will hold a public meeting at 7 p.m. Nov. 21 at the BLM office in Monticello, Utah, to discuss and take comments on draft objectives and management actions for the Comb Wash Interdisciplinary Plan. Copies of these draft items can be obtained by calling the BLM office at (801) 587-2141. Comments will be accepted through Nov. 30 at the BLM, P.O. Box 7, Monticello, UT 84535.

## Environmental field course offered

Fort Lewis College's Environmental Politics Innovative Month field course that includes a raft trip down the San Juan or Dolores rivers will be offered during the first summer session by FLC political science Professor Emeritus Jim Decker.

An information and planning session will be at 4:40 p.m. Nov. 20 in 150 Noble Hall. The course is open to nonstudents and begins May 5 and concludes June 6.

The course tours the Four Corners region addressing environmental and political issues about natural resource development, national park management and multiple-use policies on public lands. Students visit the Black Mesa strip mine and slurry pipeline, the Navajo Generating Station, the Grand Canyon, Glen Canyon Dam, Las Vegas, Zion National Park, the Kaiparowits/Escalante National Monument, the San Juan National Forest and Summitville gold mine. The course concludes with a raft trip down the San Juan or Dolores rivers.

For more information, contact the Office of Extended Studies at 247-7385 or Decker at 247-8811.

# Campbell always patient with public

TO THE EDITOR:

11/24/96

This letter is to reinforce Ann Swain's position in her letter (*Herald*, Nov. 19) in which she referred to Sen. Ben Nighthorse Campbell as being a public servant and not a public doormat.

My husband and I have spent a significant amount of time with Ben and his wife Linda during their recreational time and have been absolutely amazed at the patience they both show when citizens approach them using common courtesy and respect. Ben has

exhibited patience even to those well meaning folks who interrupt personal conversations, drag him by the arm to have pictures taken with him and yes, even follow him into the restroom.

People feel free to be very imposing at times and some may say it goes with his job. I think Ben Campbell handles that aspect very well. He doesn't however, tolerate rudeness - that goes with the man.

Lynell Corbett  
Durango

## Don't let Vallecito's water be ruined

TO THE EDITOR:

11/24/96

For the entire 36 years of our married life, my wife and I have looked forward to moving to the Upper Vallecito Lake area.

After living for many years in the Austin area, the pure clean water was one of the main things we have always looked forward to when we came to Vallecito. I guess we place such a high value on the water and air because we have watched it destroyed in Central Texas. Overdevelopment with increased density, golf courses on the water's edge and "package treatment" sewage plants have changed the water in the Highland Lakes Area of Central Texas to a murkey, polluted mess. The health department now advises us to not even eat the fish caught in the lakes. We get ear infections and illnesses if we even bathe in the water and there have even been deaths from bacteria in the water. Where I used to fish in four feet of clear water is now an ugly silt island with weeds growing wild in the nutrients from a nearby golf course.

Now we own property above Lake Vallecito, and have been making plans to move there. If we see the water quality continue to slip we may re-think our plans.

If more "package sewage plants" are permitted in the area, that could be the worst contributing factor to the demise of Vallecito's water quality. I served on the planning commission here in Austin. We now see the mistakes we made in allowing these sewage plants into the area around our lakes. They have failed many times, as any mechanical pump system will do occasionally. When that happens, most of these plants flow into the lakes until someone notices.

We can only hope that these small sewage plants will not be allowed. We have learned the hard way in Central Texas that until a central sewer plant is possible, that individual, properly designed, septic tank systems are the only acceptable answer to the problem.

Jay F. Powell  
Austin

## A-LP supporters pay a high price

TO THE EDITOR:

11-10-96

It seems that with the passing of John Murphy the anti-Anima-La Plata crowd has a new target to vilify, abuse and slander in the person of Jeff Morrissey.

Jeff has been accused, not by the police, but by the media and individuals with other axes to grind, of "lewd" conduct. The incident of concern itself began with a lewd display or how else can the bumper sticker "A-LP SUCKS (WATER)" be characterized?

Jeff Morrissey is a man of good will who has devoted many years as city councilman, mayor, volunteer and Animas-La Plata supporter. John Murphy, too, was a man of good will who gave freely of himself for the betterment of his community.

Yet these two men and many others were and are constantly subjected to abuse and are accused of seeking personal gain from the construction of the project. John Murphy certainly gained nothing and neither will Jeff. In fact the opposite is true, they must pay a high personal price at the hands of project opponents.

The attacks on Jeff Morrissey are only another example of how low some Animas-La Plata opponents are willing to stoop.

George Thompson  
Durango

(EDITOR'S NOTE: Morrissey was cited by the Durango Police for two counts of disorderly conduct, Oct. 17.)

# San Juan's flow drops to 250 cfs

**D.H.**  
**Herald Staff Reports 11-14-92**

The much-ballyhooed winter low-flow test on the San Juan River began in earnest a week ago, with releases from Navajo Dam dropping from 500 cubic feet a second to 300 cfs.

Then on Monday, the Bureau of Reclamation reduced the release to 250 cfs, the minimum flow planned for the four-month test, which started Nov. 4 and is slated to end Feb. 28.

Releases will remain at 250 cfs, the bureau reported, until Animas River flows recede. Then dam releases will be increased as needed to maintain the target flow of 650 cfs at Shiprock. Dam releases, therefore, depend on rain and snow melt and the flow of the Animas and other tributaries.

The test and other research by scientists with the San Juan River Recovery Implementation Program will be used to develop year-round flow recommendations for the San Juan to benefit downstream populations of two endangered fish, the Colorado squawfish and razorback sucker, while allowing water devel-

opment proceed incrementally.

The lower winter releases allow for additional storage of water in the reservoir. This in turn will provide for greater flexibility for spring releases.

The 250-cfs minimum release follows the recommendation of the San Juan RIP's Biology Committee and a court settlement reached Oct. 29 among the Department of Interior, Bureau of Reclamation, the Fish and Wildlife Service and the plaintiffs, the San Juan Flyfishing Federation and New Mexico chapter of Trout Unlimited.

The settlement agreement stipulates scientists will monitor, analyze and report on water quality and the general health of the trout population before, during and after the test.

The court agreement also states this test period will be the only test of levels reduced below 500 cfs (provided adequate data is obtained for the San Juan RIP); and, any permanent change to flows below 500 cfs will not occur without compliance first with the provisions of the National Environmental Policy Act.

## LPEA helping protect indigenous birds

### TO THE EDITOR:

The San Juan Chapter of the National Audubon Society is deeply appreciative of the past and ongoing commitment and work of the La Plata Electric Association to protect area bird species from injury and death from contact with power lines, transformers and other electrical distribution equipment and facilities. All new installations are designed to prevent harmful contact by birds and climbing animals like squirrels, cats, and even snakes.

The orange balls on power lines crossing streams are one of the most visible actions taken to protect eagles and waterfowl that fly riparian corridors. Older power lines and transformers have been retrofitted and modified to give the same protection afforded by new designs and construction methods.

The quality of life in our area is greatly enhanced by the abundance and variety of birdlife. It is also enhanced by a dependable and affordable electrical energy system. LPEA's effort to give us both is deserving of public applause.

**Carl Weston**  
**Durango**

# Baty barely beats Shine for commish

By Dave Ojala  
Herald Staff Writer

11/6/96

In a replay of the election four years ago, Republican La Plata County Commissioner Shirley Baty retained her seat in a narrow 300-vote victory over Democrat and Durango City Councilor Lynn Shine.

As precinct tallies came in, the lead shifted from Baty to Shine and back to Baty. Three Batfield-area precincts put Baty over the top late in the counting that had many in the La Plata County Courthouse waiting anxiously. Four years ago, Baty won by more than 2,000 votes.

Not as clear-cut ideologically as the Joswick-Anderson race, the Baty-Shine campaign wound up with Shine attacking Baty's vote for the Artesian Valley Ranch master plan and her work on various com-



BATY

mittees in Denver, while Baty's winning bid stressed her record on issues such as getting work on the Farmington Hill started.

While the final vote was very close, Baty said, she was never ter-

ribly anxious.

"I really believe in the voters' choice. If I were on the other side I would feel the same way."

Baty also ran strong in the outlying areas of the county. Shine carried the vote in Durango.

Baty said she could not pinpoint a specific issue that she believes won the election for her.

"People support different candi-

■ See DISTRICT 2, Page 12A

Page 12A - Wednesday, November 6, 1996

THE DURANGO HERALD



HERALD ANDREW COUNCILL

COUNTY COMMISSIONER candidate Lynn Shine gets a consolation hug from her daughter, Mollie, while husband Tom stands by after hearing the results of the District 2 race in which incumbent Shirley Baty won. Shine was in a City Council meeting when the results were tallied, and councilors took a break for her to get the news from her family.

## DISTRICT 2

Continued from Page 1A

dates for different reasons," she said.

The election results are not official until certified, and County Clerk Linda Daley said turnout was quite strong, somewhere around 65 percent. While nearly 28,000 voters are on the rolls in the county, she said the actual number is probably closer to 21,000 because people cannot be purged from the rolls until they miss two election cycles.

Shine heard the election results during a short break in a City Council meeting and did not have much to say.

After some hugs from family, she thanked supporters for their good work and got back to the business at the meeting.

Baty's victory margin amounted to 2 percent. Write-ins garnered 257 votes, and those that went to Jerry Swingle could have made the race even closer for Shine.

Early voting gave Baty a 161-vote edge going into Tuesday night, with 2,240 versus 1,779 for Shine.

Baty will not be likely to run for a third term in four years after La Plata County voters rejected an attempt to abolish a two-term limit set by a vote in 1991. The ballot question asking voters to eliminate the term limits fell by a wide 27 percent margin, with 9,896 voting no and 5,716 voting yes.

# City Limits

## Below the Belt

Opponents of the Animas-La Plata project say Durango's ex-mayor got down and dirty.

By Steve Jackson

**F**ormer Durango mayor Jeff Morrissey is accused of striking a low blow in the fight for a controversial southern Colorado water project that he supports. As a result, he faces two counts of disorderly conduct for allegedly making lewd comments to two women who oppose the Animas-La Plata water project.

If what the women allege is true, then Morrissey violated an agreement worked out by Governor Roy Romer that calls for each side to treat the other with "dignity and respect."

On October 17, Cathy Stanford says, she was pulling out of a parking space at the First National Bank of Durango when she noticed two men, one seated in the car next to hers and the other standing outside of it. The man outside the car, later identified as Morrissey, a former Durango mayor and current board member of the Animas-La Plata Water Conservancy District, saw a bumper sticker on Stanford's car with the letters "ALP" (for Animas-La Plata) and a red slash through them.

According to Stanford, who had her window rolled down, Morrissey approached her and started talking about another popular bumper sticker that she didn't have, one that states, "ALP sucks water." The proposed water project, supported by local business and agricultural interests and generally opposed by environmentalists and taxpayer groups, would pump water out of the Animas River hundreds of feet up into a yet-to-bebuilt reservoir at a cost of hundreds of millions of tax dollars.

Stanford, who moved to Durango from North Carolina five years ago, didn't know who Morrissey was. But this is the way she recalls the conversation:

"He asked, 'Are you 'A,' and does that mean you give blowjobs?' I said, 'No.' And for some reason, I started to explain what my bumper

sticker meant. He laughed and said, 'Too bad, because I was going to ask you to get on your knees and do me.'"

Stunned, Stanford says, she asked him, "Does talking like that make you feel good?" He just laughed. So I called him an 'old shit' and flipped him off."

Stanford says she was frightened and intimidated by the 51-year-old Morrissey, who stands 5'10" and weighs 185 pounds. "I was also angry," she adds. "If I'd had my pepper spray, I would have given him a real surprise."

After she drove away, the thirty-year-old woman decided not to let the matter drop and returned to the parking lot to get the license-plate number of the car by which the man had been standing. She got the number and noticed that the man who had accosted her was now speaking to another woman.

"Then he asked if I just sucked water or did I suck other things, too. And would I suck him."

Mahlum, a Durango native, says Morrissey got closer until he was within a foot of her, and his voice rose to where he was yelling. "He said I must have a low mentality to have a sticker like that," she recalls. "He identified himself as a former mayor of Durango, but he didn't give his name. I didn't know him."

And the women didn't know each other, either. Both separately reported the incidents to police, and Stanford gave the license plate number. It turned out to belong to a car leased to the local cattlemen's association (which supports the water project) that had been driven that day by Brice Lee ("who didn't do a thing when this was going on," Stanford says).

According to a report by the investigating

police officer, Lee admitted that Stanford's description of his companion "sounded like Jeff Morrissey." The officer contacted Morrissey and, according to the police report, the former mayor admitted that he had talked to the women about the bumper stickers and that he made "comments about how they must like to give blowjobs." Morrissey was cited for disorderly conduct and released pending a November court date.

Morrissey told Westword last week that he'd been told not to comment by his lawyers. But then he went on to say, "I don't think this is news for you. It's a trumped-up deal. I'm going to plead not guilty. I had a guy standing next to me the whole time, and he'll testify for me."

Morrissey says the women's complaints constitute "harassment" by opponents of the water project.

"They didn't like me questioning their bumper stickers," he says. "They had vulgar ones. They put them on their cars and call it free speech. It's pretty stupid—people go ruining other people's lives."

Morrissey added, "I'm worried about your newspaper. This has nothing to do with you. It's a Western Slope thing."

In the past few weeks, opponents and proponents of the water project have been meeting to see whether a compromise can be reached. And their discussion is supposed to be civil, according to an agreement worked out through Romer and Lieutenant Governor Gail Schoettler. Under the terms of the agreement, representatives of the various groups, including the water conservancy districts, are supposed to "recognize that each party deserves, and indeed must, be treated with dignity and respect for fruitful discussions to progress. During the course of the Romer/Schoettler process, each party agrees to refrain from publicly voicing or publishing personal attacks on the character or motives of the other parties."

Proponents of the water project, the first phase of which would be paid for mostly by the federal government, include Durango-area real estate interests, "dryside" farmers and ranchers, and leaders of the Southern Ute and Ute Mountain Ute tribes ("Rough Waters," June 13). The opposition is a coalition comprising environmental activists, anti-development and taxpayer groups, and members of the Ute tribes who, noting that there is no funding to bring the water to their reservations, oppose it on economic and cultural grounds.

Stanford says she opposes the project on environmental grounds. Mahlum, a political science major at Fort Lewis College who describes herself as a "far right-wing Libertarian," says she opposes it "because it is not the job of the federal government to build it... If it was a private enterprise, fine."

Other opponents of the project vow to take the Morrissey incident up with the governor. □

To read related Westword stories, visit [www.westword.com](http://www.westword.com)

NOV. 6 1996



Nineteen-year-old Crista Mahlum had pulled into the spot vacated by Stanford in a car that bore an "ALP sucks" bumper sticker. According to Mahlum, Morrissey asked her if her name was Alp.

"It didn't click," she recalls. "He just kept asking if my name was Alp. He said I was too pretty to have a name like Alp."

police officer, Lee admitted that Stanford's description of his companion "sounded like Jeff Morrissey." The officer contacted Morrissey and, according to the police report, the former mayor admitted that he had talked to the women about the bumper stickers and that he made "comments about how they must like to give blowjobs." Morrissey was cited for disorderly



# First American Railways

## Bradshaw improved train, new owners should too

11-7-94

Monday's announcement that a letter of intent to sell the Durango and Silverton Narrow Gauge Railroad existed wasn't a surprise. Despite management's continuous denials that the railroad was on the market, it was obvious owner Charles Bradshaw wasn't enjoying the railroad as much in recent years as he had in the past.

It's easy to see that Bradshaw is a railroader's railroader who prefers equipment to public relations or marketing. And how he loves equipment! Added were larger locomotives, an especially built combination power unit and coach for a round trip over the High Line, a passenger car for the handicapped and a camp car for groups. And, out of the well-equipped shop came custom construction for other railroads.

The Denver & Rio Grande Railroad, with no need for a tourist line, had allowed the rolling stock and facilities to slowly decay before Bradshaw bought the line in 1981. But Bradshaw did more than just put the railroad back in good operating condition. Buildings were made tight and there was fresh paint, but more importantly in imaginative ways he added to a passenger's options. More trains made the run to Silverton, plus a shorter trip to the Cascade Wye. A winter train ran for five years before it was discontinued because of low ridership (it was later reinstated with Purgatory Resort's marketing help) and a special Animas River Railway powered car traveled from Rockwood to the Cascade Wye and

back mid-day.

Bradshaw probably got as much out of the 48 miles of three-foot wide rails as is possible.

On the other hand, there clearly wasn't a lot of management enthusiasm for dealing with the issue of soot from idling locomotives overnight, what's owed the U.S. Forest Service for an expensive fire or the media when something's gone wrong. Those tasks – and that ridership has been flat for several years – must have taken the fun out of railroading.

In the coming weeks we'll all learn more about First American Railways, and its principal officers. The company apparently is too new to have much of a track record, and has been focused on establishing an entertainment railroad trip in Florida. Its president is raising money in Europe as we write to become the third owner of the Durango to Silverton narrow gauge railroad.

Will First American Railways improve customer service and marketing and its relations with the community while keeping equipment in top condition? And, how do ridership, ticket prices and expenses have to be adjusted to cover the estimated \$20 million purchase price?

In his 15 years of ownership Charles Bradshaw has greatly strengthened and expanded the railroad's equipment and facilities. What the railroad's next ownership will bring is already a subject of speculation.

# A-LP in municipal court

It was a month ago a popular bumper sticker spawned by the opposition to the Animas-La Plata Project was at the center of an incident involving a member of the Animas-La Plata Water Conservancy District board that's been shaping the design of the controversial water project.

What happened was that two women in two separate incidents, one of whom had the "A-LP SUCKS (WATER)" bumper sticker on her car while the other's bumper sported an A-LP with a red slash through it, became the objects of some rather graphic sexual comments. No one's saying the comments weren't made. The legal debate is expected to center on the First Amendment.

There's no doubt Animas-La Plata supporters are frustrated. The project's been mired in layers of controversy since it was authorized by Congress in 1968. But, if critics of the project believe this incident will further impair the project, they're wrong.

A disorderly conduct charge might result in a \$100 fine and probation. To the individuals involved it's no doubt serious, but in regard to Animas-La Plata it's no more than a windshield bug splat. Nonetheless, as happened with Nixon's Watergate, there's

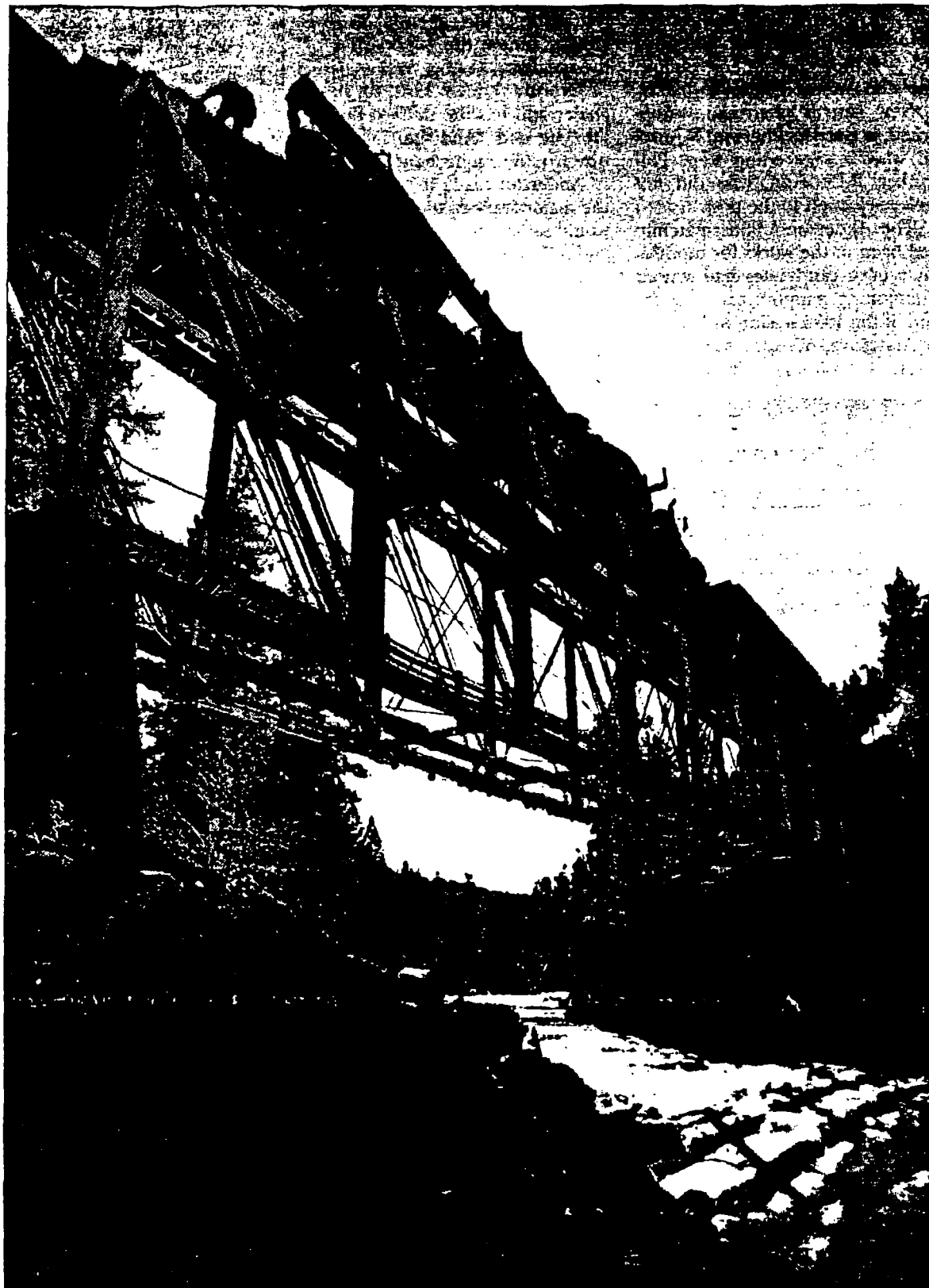
always the chance that it's the aftermath that will generate the ill will.

Jeff Morrissey should not participate in conservancy district board meetings until this legal matter's resolved. If a school teacher or a policeman was charged, he'd be sent home with pay. Even though the legal system presumes innocence, that should happen here.

And, rather than adopting a defensive position by circling the wagons around one of their own, members of the Animas-La Plata Board should be showing the taxpayers that they take the charges seriously even if they think Morrissey is a valuable board member.

Is Morrissey's position on the board in jeopardy? Four letters to the District Court judge saying Morrissey should go doesn't seem like many to us.

But, most importantly, this embarrassment ought to be resolved as quickly as possible. The future of the Animas-La Plata Project should be determined on its own merits. Power revenues, squawfish, irrigated crops and the future of Southwest Colorado are what this is about, not a misdemeanor charge in municipal court.



HERALD/ANDREW COUNCILL

## Crossing construction 11-8-76

TO REPLACE rotting wood supporting the High Line Bridge two miles above Rockwood, the Durango & Silverton Narrow Gauge Railroad used a locomotive to push two Sandco cement mixers to the site Thursday to pour new concrete footings. The 130-foot-long bridge was built in 1880 and placed over the Animas River in 1894. The railroad has been strengthening sections of the bridge since 1981.

# Morrissey pleads not guilty to charges

By Amy Maestas  
Herald Staff Writer

1/22/91

Attorneys for Jeff Morrissey, Animas-La Plata Water Conservancy District board member and a mayor of Durango between 1979 and 1981, entered a plea of not guilty to two counts of disorderly conduct Thursday in Municipal Court.

Judge David Turner set a trial date of Feb. 6.

Durango police cited Morrissey on Oct. 17 after he allegedly made inappropriate sexual comments to two women driving cars with anti-A-LP stickers. The women, Kathy Stanford and Crista Mahulm, reported two separate encounters with Morrissey in the parking lot of First National Bank of Durango.

Stanford's vehicle had a bumper sticker with a red slash through the letters A-LP; Mahulm's had the "A-LP Sucks (Water)" sticker. Both women told police Morrissey asked them if their bumper stickers meant he or they performed certain sexual acts. The women also accused Morrissey of using threat-

ening and insulting language, raising his voice and acting in, what one called, an "in your face" manner.

Morrissey was not present in court but was represented by attorneys Jeff Craig and Tom Shipp of Maynes, Bradford, Shipp & Sheftel. Craig told Turner the defense intends to file a motion to dismiss the case against Morrissey, claiming his actions were protected by the First Amendment of the U.S. Constitution.

Turner appointed attorney Michael Goldman prosecutor in the case to replace the city's prosecutor, Bill Corwin, who is a member of the A-LP water district board.

Craig requested the defense be allowed to conduct pretrial depositions to determine exactly what the witnesses are charging Morrissey with.

"We just need to be advised of what their allegations are under oath," Craig said.

He added the defense has the right to argue protection by the First Amendment and wants to try to avoid a trial if depositions could be taken.

Goldman argued that depositions in a criminal matter were unusual. Goldman said charges are documented in the police report and in interviews he conducted with the witnesses.

Turner denied the defense's request for pretrial deposition, saying this is a Municipal Court matter and the procedure should be simple.

"I can't see where there will be lots of factual dispute. The versions can't be that much different," Turner said.

"We're not trying to trip up witnesses, we just want to know the allegations," Craig said.

Stanford told the *Herald* after the hearing the charges are "stated pretty clearly in the citation."

"It was verbal harassment that was unprovoked," Stanford said. "He was very belligerent and angry. It was a threatening situation. I felt what he was doing was illegal."

Turner did agree to allow the defense to interview the witnesses before the trial in order to prepare their argument. Although the judge can't require the witnesses to agree to the interviews, he urged Goldman to try to make them available.

Goldman also agreed to file a bill of particulars documenting for the defense the time, place and means of the offenses charged in the bill of indictment so they may prepare their defense.

The defense has until Dec. 12 to file a motion for dismissal. The prosecutor has until Jan. 3 to file a response. Turner said if it is necessary to hold an evidentiary trial, a date will be scheduled between the response and the actual trial in February.

Since the October incident, Chief District Court Judge Timothy Patalan has received four letters from citizens requesting Morrissey's removal from the A-LP board. The two women involved and two others reportedly have written letters asking for Morrissey's removal because he acted inappropriately. Stanford wrote that Morrissey's behavior was "inexcusable and unacceptable."

"Mr. Morrissey grossly overstepped his position when he verbally assaulted two members of the Durango community he claims to represent," Stanford wrote.

Proponents of the A-LP project have said this incident is being used by opponents as political fodder in the long-standing controversial issue over whether to build the water project.

Steve Harris, president of the A-LP board, said last week there had been no discussion about Morrissey resigning from the board.

The *Herald* asked Sam Maynes,

of Maynes, Bradford, Shipp & Sheftel, who represents the A-LP water district, to explain the process involved in removing a director from a water district board. Maynes told the *Herald* it was a complicated process and he did not know the procedure off-hand.

"I don't know how a person would be removed from the board just for practicing free speech," he said.

According to state statutes, a board member may be removed by a court upon petition or by a judge's motion for "malfeasance, misfeasance, willful neglect of duty, or any other cause which renders such director incapable or unfit to perform the duties of his office."

The process unfolds with the District Court judge setting a public hearing after notice, unless notice and hearing is waived in writing by the challenged director. Patalan has not set a hearing on the removal of Morrissey from the A-LP board.

Members are appointed by the District Court judge after filing an application and meeting necessary requirements. Members also take an oath of office that states, among other things, they will honestly, faithfully and impartially perform the duties of the office.

# County emerging from economic 'distress'

By Amy Maestas  
Herald Staff Writer

Depending upon the person, growth is good, bad or ugly. But like it or not, it's been a boon to La Plata County's economy in the past five years.

Some parts of the county have hurtled out of the economically "distressed" category and into a better position than most of Southwest Colorado.

Since 1986, the state included most of La Plata County in a state enterprise zone. The zone is an economically distressed area in which special tax incentives are

offered to businesses that expand or locate within the zone boundaries. The purpose of the tax incentives is to create new jobs and investments.

The state Legislature established enterprise zones in 1986 and identified parts of Colorado that would benefit from economic incentives. A zone is deemed distressed if the unemployment rate is 25 percent above the state average, the per capita income is less than 75 percent of the state average, and/or the population growth rate is less than 25 percent of the state average.

A new law went into effect making changes to the Enterprise Zone program. Among those changes was the addition of

two new incentives, including a 10 percent tax credit for employer job training and a 10 percent tax credit for qualified school-to-work programs. Other original tax credits, such as investment, job and health insurance credits, remain in place.

Changes made this year also mean new filing requirements for contributors and businesses claiming enterprise-zone tax credits.

Such incentives proved to be profitable for the county, and the city of Durango particularly, which has led to the new boundaries of the enterprise zone. The entire county no longer meets the criteria based on 1990 census data. Recently, the Region

9 Economic Development District, headed by Ed Morlan, executive director, redefined the boundaries according to the growth La Plata County has encountered.

The new zone is a patchwork most dense below the Ute Line (the northern boundary of the Southern Ute Reservation). Scattered sites are in Durango, such as the Community Health Clinic, Volunteers of America, Shining Mountain Mobile Home Cooperative, etc.

According to economic and demographic trend information Morlan compiled, from 1991 to 1994, personal income increased more for the county than statewide. The county drew a significant

number of retirees and second-home buyers in that period increasing the population. However, the influx also led to a rapid increase in real estate prices and widened the gap between wages and housing costs.

Morlan also concluded that all sectors in La Plata County have been showing healthy signs of growth as the county emerges as the regional trade and service sector for Southwest Colorado. The synergism attracted new manufacturing opportunities in industrial Bodo Park, now filled to capacity.

The county's status as an enterprise

■ See ECONOMIC, Page 12A

## ECONOMIC

Continued from Page 1A

zone attracted nearly \$260 million in new capital investment since 1992 - an amount local economic development professionals call phenomenal given a county with a population just under 40,000.

A total of 120 businesses received the new business facility credit after creating 763 new jobs, and 1,350 contributors kicked in about \$2 million to enterprise projects in the zone.

Morlan said such figures indicate the zone has had a tremen-

dous impact on the county helping to build community facilities that might not otherwise have been developed. These developments improve the quality of life and make the area more attractive to residents and businesses.

Because the criteria for defining zones are based on census data, Morlan said it's possible all of La Plata County could very well meet the criteria after data from the 2000 census is determined because so much of the county's growth occurred after 1990.

# Avalanches always a San Juan danger

By Bob Berwyn 11/23/96  
Special to the Herald

For as long as people have lived around snow-covered mountains, avalanches — the white death — have claimed the lives of unwitting or unwary travelers.

Our own range, the San Juans, is as susceptible to powerful snow slides as almost any other mountain chain on earth. Travelers who traverse the snowy reaches of these mountains, whether they are motorists, skiers, snow-shoers or snowmobilers, run the risk of a close encounter of the unwanted kind.

Some backcountry users, not wanting to let negative thoughts intrude on their fun, choose to believe there is no such thing as avalanche danger. Others are just plain ignorant of it.

The key to remaining safe in avalanche territory lies in recognizing hazardous conditions. Weather events are crucial to determining immediate and future hazards. Most avalanches occur within 48 hours of a snowfall or wind loading event.

Snowfall at the rate of one inch or more indicates a potential hazard, as does a total accumulation of 12 inches or more. Even moderate winds can increase the hazard greatly by loading lee slopes with slab formations. Temperatures both above and below freezing, and large variations in temperatures can destabilize the snow, as can dry and warm wind.

The snowpack itself, and what lies on deep inside it, is equally important. Shallow snow and cold temperatures often lead to the formation of "temperature-gradient" ice, large crystals that do not stick to each other and can act as a balling layer on which an entire snowpack can slide.

A slippery layer, or crust, within the pack can also result in slides. Such layers can form from sun, wind or rain, and they don't allow subsequent snowfall to bond with the existing base at all.

The only way to know if such layers are present is to dig a pit deep into the snow. Upon digging a pit, a variety of tests can be done to measure the snow's stability. Skiers especially must know the techniques for this procedure before skiing avalanche-prone slopes.

Recognizing avalanche terrain and choosing safe travel routes are also crucial. Most slides occur on slopes of 25 to 35 degrees (about the steepness of advanced to expert runs at ski areas). Avoid such slopes during times of high hazard.

Look for signs of previous avalanche activity, such as obvious slide paths, damaged trees and avalanche debris, and avoid those areas. Signs of recent slides, such as fracture crowns and blocks of debris are sure signs of danger. Travel along wide valley bottoms or ridge lines when possible.

Finally, carry and know how to use avalanche rescue gear. Beacons, shovels and probes are essential, and remember it takes practice to learn how to use them properly.

## Property owners reap benefits from land trusts

11/22/96

It's good to stop and reflect on environmental successes every now and again. One such success story has been quietly written under our very noses here in La Plata County.

I refer of course to the extraordinary achievements of the La Plata Open Space Conservancy. This local, nonprofit land trust has in the past year ensured that literally thousands of acres of treasured open spaces and scenic vistas will remain undeveloped in perpetuity.

Perpetuity sounds like a long time, like maybe forever. Because of the recent efforts of the La Plata Open Space Conservancy, several miles of the Pine River above and below Vallecito Reservoir will remain in a pastoral setting for our lives, our children's lives, our grandchildren's lives, in fact, for the lives of all our successors.

Local land trusts help landowners address the two inevitabilities of life — death and taxes. Land trusts help property owners pass on treasured homesteads, farms and ranches to children and grandchildren in a fashion that does not require subdivision and development of the property.

Individuals can pass on a set value of assets tax-free to descendants, but once that \$600,000 threshold is exceeded, the government's inheritance taxes kick in at a rate that can reach 55 percent. All too frequently, heirs must sell off land to raise the cash to pay taxes.

Given the skyrocketing value of land in La Plata County many landowners may have unknowingly reached the \$600,000 threshold.

The beauty of land trusts is they allow property owners to decide the fate of their own land rather than leaving that decision to government tax collectors. This is done using a conservation easement whereby a landowner voluntarily decides to restrict future development of their property.

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By giving up certain rights, such as the right to subdivide, landowners reduce their property's monetary value. This serves double duty in reducing taxes: You reduce the value of your estate and thereby potential inheritance taxes, and you get a tax deduction against current income that reduces your income tax.

What a deal! You can save tens or hundreds of thousands of dollars from the tax collector and dictate what happens with your property.

We are blessed in southwest Colorado with a large public land base in the form of national forests and BLM lands that will remain largely undeveloped. Strenuous debates may erupt about timber harvest here and there, about grazing practices, about recreational impacts, but the land base itself will not be sold or subdivided.

It's a different situation in our privately owned valleys where we have only a couple of tools for maintaining the character of the landscape.

One tool is comprehensive county land-use planning. Such planning is slowly moving ahead for areas around Vallecito for example, with relative consensus reached at least about the area's desired future if not absolute consensus on the precise means of getting there.

The other significant tool available to us is land trusts and conservation easements. This requires no public funds and no government regulation. It requires only foresight by landowners looking to save on taxes while simultaneously preserving family lands and the community's character.

# AmeriCorps workers tackle trail project

By Amy Maestas

Herald Staff Writer

Maintaining the trails that surround Durango is beyond even the most ambitious city Parks and Recreation worker or local trails association.

Blessed with an abundance of recreational opportunities,

Durangoans at times forget that nature, like humans, has limits.

The weathered and beaten Mountain Park trail west of town, where limits have been tested, is getting a refreshing overhaul that might otherwise go undone by the AmeriCorps volunteer service group formed during President Clinton's first term.

Patterned after the Civilian Conservation Corps., President Franklin D. Roosevelt's brainchild, and the Peace Corps, launched by President John F. Kennedy, AmeriCorps members work in the areas of environment, education and unmet human needs.

Trail building is one of the civil-

ian corps' main emphases in preserving and enhancing the environment.

A group of 14 members has been in Durango since Oct. 20 working on the Mountain Park trail and expect to finish the project Thursday. To date, the group has worked on more than 2,000 feet of trail.

They have rerouted traffic, implemented erosion-control measures and improved the trail's condition. Most importantly, they are building a new portion of trail away from nesting habitat of some peregrine falcons. It is mating season for the endangered species, and allowing the natural process to proceed undisturbed will benefit the birds and the community.

AmeriCorps members hail from all parts of the country. The group working in Durango has 10 new members and four returning members. Denver is their "home office," at least that's where they return to get new assignments.

For Ramona Osborne, from Indianapolis, Ind., this is her first assignment as an AmeriCorps volunteer. A new college graduate, Osborne said she wanted a break before pursuing graduate school. At the urging of a friend who is a veteran AmeriCorps member, she decided to put her energy into something that would benefit herself, the environment and a com-



HERALD/ANDREW COUNCILL

JODI HARDIGAN works with a Pulaski on a trail in Durango Mountain Park Friday.

■ See TRAIL, Page 10A



# TRAIL

Continued from Page 1A

munity.

"I think it's going well," Osborne said. "I've gotten to see a new part of Colorado and I really like it."

Housing for the crew is provided by the San National Forest at the Vallecito work center. The location of their temporary home is an added bonus for Sheila Slenp, of Big Stone Gap, Va., the group's leader. Aside from feeling good about accomplishing a day's work of trail building, Slenp said waking

up to see snow on the mountain tops and large elk herds right outside the window is just as gratifying.

"This is an excellent program for young adults, especially for people trying to find meaning and purpose in their life before getting into a career," said Slenp, a second-year member.

Cathy Metz, director of Durango Parks and Recreation, said the local trail maintenance would not have happened without AmeriCorps.

"They've done a tremendous job and have really made a big difference," Metz said.

The city expects a 50 percent increase in trail and greenway usage with the construction of

some key trail linkages.

She said both the parks department and Trails 2000 already have a having a full slate of projects. All needed trail maintenance can't always be accommodated.

The Mountain Park trail is part of the city's overall vision statement in its application for a Legacy grant from Great Outdoors Colorado. While funding from a Legacy grant remains on the back burner until the new year, volunteer projects done are integral to the city achieving its goal.

Cellular One, Albertsons and Kroegers also have provided support while the AmeriCorps crew works in Durango.





HERALD/ANDREW COUNCILL

**AMERICORPS VOLUNTEER** Jodi Hardigan, 24, of Walpole, Mass., helps fellow volunteer Evie Landen, 20, of San Diego, Calif., get dirt

out of her eye Friday. Hardigan and Landen are two of 14 AmeriCorps volunteers working on a Durango Mountain Park trail.

# POLITICALLY CORRECT A-LP SIGNS



CEOTREANOLDS 1996 DURANGO HERALD





## River rules

THE ANIMAS River and the Durango & Silverton Narrow Gauge Railroad coexist in a rugged canyon. The river is what makes the spectacular scenery that brings tourists in droves to ride the 1880s-vintage steam train, but it also exacts its toll — paid by hardworking railroaders like Ron Rivera, left, a veteran of the tie gang. See a side of the story the tourists never see, "Rite of Passage," on Page 1D.

# Traveling the High Southwest; the Four Corners and beyond

By Steve Cohen

(Editor's note: This article is the first in a series about places in and near the Four Corners region by Steve Cohen of Hesperus, who is the author of *Adventure Guide to the High Southwest*. We're introducing it as a feature that will be published the third Friday of each month.)

There may be no greater concentration of adventurous things to do on a year-round basis than in the nearly mythic region we call the High Southwest. This enormous area stretches over the borders of four western states and includes eight National Parks, numerous National Monuments, tribal and state parks, national forests, wilderness areas, and millions of additional acres of public lands accessible for hiking, biking, skiing, rafting, fishing, and much more.

We call it the High Southwest for several reasons. The region encompasses much of an expansive elevated plateau known as the Colorado Plateau as well as portions of the western slope of the Rocky Mountains, all situated far above sea level. The preponderance of rugged, virtually primeval terrain lends itself naturally to high adventure. And furthermore, the territory has long been preeminent in the pantheon of spiritual places to the native peoples who were the first to settle here, and whose ancient mysteries and modern presence are keenly felt today. The High Southwest shelters many secrets yet to be explored.

If you want to experience the special nature of this exceptional area, to learn new things about unusual places, and to get out and do things, you'll enjoy reading updated excerpts from my book, *Adventure Guide to the High Southwest*, under the "Places" heading in *Cross Currents*.

Each excerpt will contain the nuts and bolts information you need to plan and accomplish an informed trip, and you'll get specific information on a variety of adventurous things to do.

Ride a horse for a day; raft through rapids the next. Climb mountains for a week, and know all the best fishing spots in advance. Ski at world-class resorts or to backcountry huts. Climb through ancient

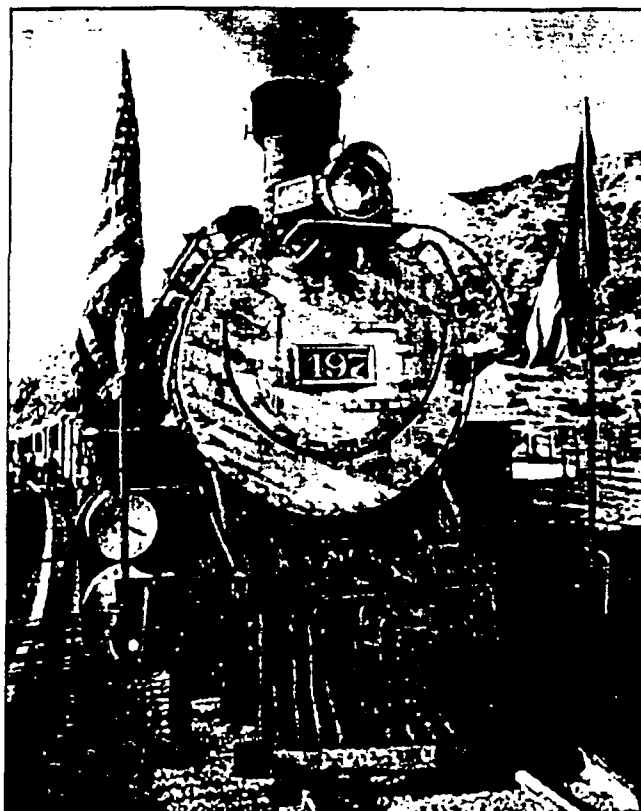
Indian ruins. Steer a jeep or a mountain bike over the Continental Divide. Steer a steer over hill and dale on a modern-day cattle drive. Soar above it all in a glider, a balloon, or take a scenic motorized flight. Trek through labyrinthine canyon country with a llama to carry your gear. Snuggle under a blanket of stars while a draft horse pulls your sleigh through the snow. Dip a toe into thermal hot springs. Bargain at a trading post. Bid at an Indian rug auction. Paddle canoe or cruise on a houseboat.

There's plenty to do, from easy ventures to more challenging fare. The area encompasses the Four Corners region. Beyond, it extends westward across natural lands in Utah's Canyon Country to the Grand Canyon. Flagstaff, the largest city along this route, and little Sedona, an area packing a powerful combination punch of extraordinary red rock scenery and visitor services to match.

Ride a horse for a day; raft through rapids the next.

Throughout, the epic workings of nature's geology, flora, and fauna are far more likely to be on display than the work of man, although you will encounter both on the ski slopes and bike trails in the 14,000-foot peaks of Colorado's San Juan Mountains, through Indian canyons around Colorado's Mesa Verde National Park, New Mexico's Chaco Canyon National Historic Park, Arizona's Canyon de Chelly National Monument, and Utah's Monument Valley Navajo Tribal Park. The area includes the entire Navajo Nation - 7,000,000 acres in three states and home to the largest American Indian tribe, as well as the tiny, indomitable Hopi Reservation. Hopiland fills only 631,000 acres and is surrounded on all sides by the vastly larger Navajo reservation, yet it retains its own distinctive cultural identity.

The High Southwest contains the modern mountain biking meccas of Durango, Colorado, and Moab, Utah. It also contains the lumbering century-old Durango-Silverton Narrow Gauge Railroad. Trendy,



The iron horse of the Durango & Silverton Narrow Gauge is one of hundreds of choices of adventures for travelers in the High Southwest. (Photo by Steve Cohen)

celebrity-studded, and stunningly situated Telluride, Colorado is included, an old mining town gone arthouse and expected to become the state's next glittery Aspen.

Its lower-key neighbor, Ouray, known for its Victorian character, scenic locale, challenging jeep trails, and abundant hot springs is also found here. And there is much, much more, encompassing Utah's Arches and Canyonlands National Parks, little-known Capitol Reef National Park, better-known Bryce and Zion National Parks, the San Juan and Colorado Rivers flowing into Lake Powell, the world's second largest man-made body of water, and - best known of all - the Grand Canyon.

This is to say nothing about the expansive spaces among these landmarks.

It's a lot of ground to cover, so you need careful plans to manage the great distances involved and still

have time to do the adventurous things you want to do.

This monthly feature will get right down to the logistics of having fun by showing you how to connect with a multitude of pleasures in this wondrous part of the world.

There's a lot of varied terrain to choose from and little doubt that any part of the High Southwest will easily justify itself to you.

(Steve Cohen is the author of more than a dozen books on travel including *Adventure Guide to Jamaica*, an outdoor classic first published in 1988. As an adventure-seeking travel writer and photographer specializing in the unusual and offbeat, his self-illustrated articles appear regularly in dozens of domestic and international publications, including *Travel Holiday*, *The Los Angeles Times*, and *The New York Times*. He lives in the Four Corners, at Hesperus, with his wife Jodie, and his son, Sean.)

# GOCO funds sought for county conservation project

By Dave Ojala D. 14 13  
Herald Staff Writer

Residents of one of La Plata County's "playgrounds" promised to get to work on protecting and enhancing their recreational and natural assets and quickly followed up with an application for a state grant to help them reach their goal.

County commissioners approved a \$12,000 application to Great Outdoors Colorado Tuesday for the North County Recreation and Conservation Project. If approved by GOCO, the grant will supply the cash to make an inventory of lands from Baker's Bridge north to the county line, provide options for accomplishing the goals of the North County land-use

plan adopted in October, and create a model for the countywide land-use plan expected to be formed next year from nine separate district plans.

The North County District Plan stressed protection of scenic views, open space and wildlife habitat. It also called for finding a way to purchase important wildlife habitat and creation of a fee landowners could pay if they cannot provide easements for trails.

Sarah Staber led the group that developed the land-use plan and also will coordinate the recreation and conservation project. She said the land-use plan was a great start, but the time and means were missing to implement things such as open-space preservation.

She said the Colorado Division of Wildlife, U.S. Forest Service, La

Plata County, businesses and individuals will cooperate on the project.

Chris Wing, representative of the nonprofit Columbine Children's Fund, said combining trails, parks, open space and public lands in one plan will give developers an idea of what the residents want the North County to look like.

"Growth really brings the need home right now," he said.

■ Commissioners also approved a \$186,340 construction bid to Tradewinds Construction for a new rental car facility at the Durango/La Plata County Airport. The award, which must also be approved by the Durango City Council, was made with the condition that no passenger facility charge funds would be used to pay for the project.



# Private landfill wins county's approval

Work at box-canyon site awaits state's review of applicant's financial condition

**By Karen Kunde**

Herald Staff Writer

A new landfill south of Durango won land-use approval Monday from La Plata County commissioners, but operations cannot begin until the state signs off on the applicant's financial assurances.

Commissioners approved a Class II permit for the landfill, with conditions including road impact fees, weed control, noise and dust abate-

ment plans.

The certificate of designation for the landfill will not be issued, however, until the state certifies to the county it has reviewed applicant BHG Corp.'s finances and finds them sufficient for closure and post-closure of the landfill.

Dubbed the La Plata Recycling Center and Depository, the landfill would occupy a box canyon about 15 miles south of Durango, off County Road 318.

Senior Planner Nancy Lauro

told commissioners Monday the state wrote a letter indicating earlier cost estimates of \$561,000 for closure and \$105,000 for post closure, included in the project's application, "look reasonable," and that the state Department of Health will review and administer the financial guarantee.

Earlier the state said it would not review landfill sureties until 1997, but said it may be able to review this site by early October 1996.

"It's not firm," Lauro said.

The county's resolution by which it approved the COD application and carefully conditioned its issuance, includes a provision that the financial assurances must be reviewed, approved and in place at least 60 days prior to any waste being received at the site.

About 28 acres of the 47.1-acre site would be used for waste disposal.

The projected life span of the site is at least 30 years.



# Sessions to examine highways' future

By Dave Ojala  
Herald Staff Reports 11-17-96

Where are auto accidents happening in La Plata County and why? Where is traffic backed up and how can the delays be solved?

The consultant in charge of a \$3 million project to find a 20-year design for La Plata County's two major highways is ready to answer as many questions as he asks in a round of meetings scheduled during the next 10 days.

The goal of the U.S. Highway 160/550 Feasibility Study, covering 550 from New Mexico to Hermosa and 160 from Bayfield to Wildcat Canyon, is to design highways that will handle the county's expected growth.

The study, begun in August, has proceeded to the point where Mark Mehalko of URS-Greiner is ready to give people information on safety, intersection performance, and

environmental issues, such as the location of wetlands.

The next step is to come up with some options for the two highways, which may include moving portions. But first, Mehalko wants to hear more opinions and wishes from residents. He will, however, throw out some minor fixes to traffic problems, such as improving intersections and widening shoulders.

Meetings will be held Wednesday at Bayfield Elementary, Thursday at Sunnyside Elementary, Nov. 25 at the Durango High School and Nov. 26 at Florida Mesa Elementary School. All meetings will start with an open house at 6:30 p.m., followed by a presentation at 7:15 p.m.

Mehalko said he will explain how the Colorado Department of Transportation grades intersections on their A-F scale, which follows closely the concept of a student's report card, and how he and

CDOT will go from a long list of options for the highways to a short list.

He also said he wants more "value statements" from residents. His example: "I would rather have the trip from Bayfield to Durango take an hour and a half than widen the highway and take private property."

He said such statements will help in coming up with potential designs, a process, he said, that will be as objective as possible. However, quandaries occur, such as consideration of buying private property vs. building on public wetlands.

Mehalko said a short list of options should be ready in February, with final recommendations coming sometime next spring.

He said CDOT is still hearing calls to do things quickly, and safety improvements on the highways will go ahead until major construction starts, which could be two years after designs are complete.



HERALD/ANDREW COUNCILL

## Last dance

HANK ANSTINE, a 24-year-old Fort Lewis College student, kayaks the Animas River's Upper Box a last time this year just before snow and ski season. He exits the canyon at the mandatory Rockwood takeout before the deadly Lower Box. For photos and story on this inaccessible reach of the Animas gorge, see Page 1D, "En purgatorio, a view to heaven and hell."

# Planners split on regulations for siting wells

By Electa Draper  
Herald Regional Editor

11-15-94

La Plata County commissioners could have their whack at a proposed regulation giving surface landowners the say in where gas wells go on their property by early December, but the Planning Commission's 2-2 vote Thursday night won't give much guidance.

In a smooth, seemingly well-rehearsed one-hour public hearing Thursday, everyone showed they've gotten their parts down pat during the last several months of hearings on the subject.

Planning Commission Chairwoman Jan Neleigh and Commissioner Beverly Kaiser recommended approval of a new regulation that would let the surface owner, who in this county often does not own the mineral rights, determine the location of an oil or gas well as long as the site lies within the state's prescribed drilling window (about 20 acres for a Fruitland coal-gas well).

Surface owners could not force an operator to put a well within a geological hazard, wetland, floodway or other unreasonable site. And, if the surface owner does not pick a site within 30 days after receiving notice from an operator that a well is going in, the operator would choose the site.

Planning Commissioners Mark Olinger and Kalen Elliot voted against the proposed regulation. Commissioner Tom Cummins was absent.

Olinger said he does not oppose

giving landowners more discretion in siting wells, but he has problems with some aspects of the regulation as written. For example, a surface owner could choose to stick a neighbor with a really good view of the well. The only provision for adjacent landowners in the regulation is, if a landowner decides on a site within 400 feet of his or her property line, the operator must prepare a visual-mitigation plan for the facility or obtain a waiver from the neighbor.

A second draft regulation proposes the county use an oil and gas mediator to settle conflicts among operators, landowner and the Planning Department staff enforcing the oil and gas regs. This proposal also met a 2-2 fate at the same hands. Under the regulation, any aggrieved party could pay a mediation fee to the county-retained mediator and obtain a decision within 30 days. If the mediator couldn't resolve the dispute to everyone's satisfaction, any interested party could appeal to the county commissioners. Their decision would be final under the proposed reg.

Elliot said both the well-siting and mediation regulations are too broad, and state law and county regulations already in place are adequate to the task.

Neleigh defended the regulations, saying they redress an imbalance of power between operators and surface owners. When an oil and gas landman calls on her and wants to put something on her

said gas companies almost always can reach an agreement with a surface owner that works to both their advantage.

"I haven't heard anyone tonight who a well on their land stand up and say, 'I have a problem with it.'"

Neleigh said the county first took on oil and gas rulemaking almost a decade ago precisely because of public outcry.

"The idea there haven't been any complaints just doesn't hold water, because I've heard them," Neleigh said.

"Not in the last three years," Finney answered.

He and others, such as Morris Bell with the state regulatory authority, the Colorado Oil and Gas Conservation Commission, said regulations the state and county now have in place have solved the bulk of the problems. This led a

few to ask, if there are so few conflicts, why resist regulations designed to resolve conflicts.

"I don't understand why these resolutions are so threatening then, if people have been so easy to negotiate with," said Pati Temple.

Several surface owners and representatives of the San Juan Citizen Alliance praised the county's effort to add some stricter rules to the books - rules that would be dealt with in Durango, not Denver.

Carl Weston, a Bondad area resident, said the proposed regulations are the culmination of eight years or more of work by homeowners and "surface victims" fighting to be regarded as "more than just squatters on the mineral estate."

"At last, an accessible, equitable forum appears within our reach," Weston said.

■ See RULES, Page 12A

Continued from Page 1A

property, she said, it is intimidating.

"I know they have the power to put it there, and they have the experience of doing this every day. And I don't."

Gail Aalund, director of the La Plata County Energy Council, said the county has more than 1,700 gas wells, and she doubts if more than 1 percent of them did not involve a signed agreement between operator and surface owner. Mike Finney, a landman who negotiates easements and surface damages,



HERALD/ANDREW COUNCILL

**THE DURANGO & Silverton Narrow Gauge** reportedly will be sold by February to Florida-based First American Railways Inc. Current owner Charles E. Bradshaw Jr. of Orlando said it will be business as usual for Durango's biggest tourist draw even after the sale closes. Summer operations are over, but the Cascade Canyon train is scheduled to begin running Nov. 27.

## FIRST AMERICAN RAILWAYS AT A GLANCE

First American Railways Inc., which intends to purchase the Durango & Silverton Narrow Gauge Railroad, is a publicly traded Florida company.

First American was organized in February 1994 by a management team that reportedly has extensive experience in passenger rail, reports *Transport News* on its Web page.

First American's president and chief operating officer, Ray Monteleone, stated in a press release the company's mission is to provide "an innovative, quality, entertainment-based passenger rail service."

The company also is constructing a Florida Fun-Train line from south Florida (Fort Lauderdale, West Palm Beach and Miami) to Orlando. It would be the first such operation in south and central Florida.

"Our business is fun," Monteleone said Tuesday.

The company has no current operations and reportedly raised cash with stock offerings, according to brokerage company reports. It's traded on the NASDAQ exchange.

— Electa Draper

# Bradshaw wants to sell train to Florida company

By Electa Draper 11/6/96  
Herald Regional Editor

Durango & Silverton Narrow Gauge Railroad owner and President Charles E. Bradshaw Jr. signed a letter of intent Friday to sell Durango's iron horse to First American Railways Inc. of Hollywood, Fla., for roughly \$20

million, a "substantial" amount of stock and a seat on the board of directors.

million, a "substantial" amount of stock and a seat on the board of directors.

After years of persistent rumors the railroad was for sale, it's finally true. First American, a publicly held corporation, will continue to run the railroad as an authentic 1880s coal-fired steam locomotive operation, said

Bradshaw, a Floridian, living in Orlando.

"Nobody has a lease on life," the 66-year-old Bradshaw told the *Herald*. "I feel it is time to pass the baton to somebody else who will run (the railroad) in the same manner and fashion that I have."

Bradshaw said Tuesday morning

the closing likely will take place by late January or early February.

First American first contacted him in June. The sale will be subject to three conditions: execution of the purchase and sale agreement, conclusion of a due-diligence review and First Railway's ability to obtain financing.

"I feel good in the fact that this is going to make the railroad a publicly held concern and do more to take the railroad many, many years into the future."

First American Railways President and Chief Operating Officer Ray Monteleone is in Geneva, Switzerland.

■ See TRAIN, Page 12A

## TRAIN

Continued from Page 1A

land, doing a "road show" with shareholders and potential investors. Monteleone told the *Herald* in a telephone interview 4 a.m. (his time) that the company wants to become a corporate citizen active in the local community. It is looking to enhance railroad features, such as the museum, and perhaps develop new ones. But it will do nothing very quickly.

"Don't make changes, learn first," is the company philosophy, he said. "To the passengers and the town, we will be invisible for a long time."

Bradshaw met with railroad employees Monday night at the Red Lion Inn in Durango to announce the sale. He wanted them to hear it from him first, he said.

"There will be no personnel changes," Bradshaw told the *Herald*. "There is nothing planned change-wise."

Monteleone said the senior management in place will stay in place for now. Ultimately, a general manager will be appointed to run the railroad. It could be someone from inside or outside the railroad.

Bradshaw said he never hung a "for sale" on the railroad but, "I've had people trying to buy it almost since the day I got it."

He purchased it from the Denver & Rio Grande Western Railroad in 1981 for \$2.2 million. The price included the track, buildings and rolling stock. He invested heavily in refurbishing equipment and improving the track.

"Mr. 'B' has spent more money than anybody can probably imagine to put the railroad in the condition it is in," said Dan McCall, D&SNG vice president and superintendent of operations.

Bradshaw said he bought the railroad because he wanted to diversify his interests and he always had been drawn to railroading.

He said the decision to sell was not motivated by money.

"I'm not built that way."

He said consideration was given, in this order: what was good for the railroad itself, good for the employees, good for Durango and Silver-

ton and, lastly, he did it for the value received.

"It has been my goal since the very beginning to see the railroad was taken care of, to see the employees were taken care of when it came time to sell."

Monteleone said he was expecting good results with European investors.

"The Europeans are just crazy about the idea," he said. "One, they love railroads. Two, they love the Old West. And three, what's not to

love?"

Amos Cordova, D&SNG vice president in charge of public relations, said the railroad employs roughly 60 people year-round and about 200 during peak season. The railroad ran 1,200 trains this season and expects, with winter train numbers, to top 200,000 in ridership.

McCall said the railroad ran fewer trains this year but ridership is about dead even with last year; therefore, it was a more economical operation.

# State voters show environmental tendency

## Say 'yes' to trapping restrictions, land preservation

By Jennifer Mears

Associated Press Writer

11-7-92

DENVER — Initially attracted to Amendment 17, Colorado voters backed away from the parental rights amendment because its impact was unclear, political analysts said the day after it failed.

Besides showing a disinclination to embrace another "test tube conservative" proposal, Colorado voters also showed a strong environmental streak as they said yes to trapping restrictions and a measure emphasizing land preservation.

They voted up six ballot issues and voted

down six Tuesday.

Amendment 17, however, put the state in the national spotlight. It would have added language to the state Constitution giving parents the "inalienable right to direct and control the upbringing, education, values and discipline of their children." But it was defeated Tuesday, with 58 percent of those voting saying no.

"It was those voters who initially thought it was very attractive-sounding who then moved to a much more cautious position," political analyst Floyd Ciruli said of the amendment's drop in the polls.

"We are less willing to take risks with things we don't fully understand the conse-

quences of," said Ciruli.

Of the People, a Virginia-based group, bankrolled the effort to pass the proposal, which became a national test case. Gov. Romer said the out-of-state support and the opposition of groups like teachers and law enforcement officers likely swayed voters against the amendment.

"I think Colorado smelled the (out-of-state) money and said, 'What's the deal here?'" Romer said.

In addition, he said, Coloradans likely were reluctant to say yes to another "test tube conservative" proposition like anti-gay rights Amendment 2. Amendment 2 was approved by voters in 1992, but later ruled

unconstitutional by the U.S. Supreme Court.

A Voter News Service survey found the amendment did not have wide enough support among conservatives, especially those who did not think of themselves as part of the religious right.

Among those voting no were 36 percent of all conservatives, 21 percent of those who are conservative and describe themselves as part of the religious right, and 46 percent of those who describe themselves as conservative and not part of the religious right.

Critics launched a television campaign

■ See BALLOTS, Page 16

## BALLOTS

Continued from Page 1

warning that if the proposal passed it could lead to unprosecuted child abuse at home and lawsuits in the schools if parents insisted on special courses being taught to suit their children's needs.

"Clearly we got some Republican votes," said Mike Hudson, vice president of People for the American Way, which opposed Amendment 17.

He said the next task is to focus on more than two-dozen other states where similar proposals are expected to be introduced in state legislatures. "We want to take this experience and make it dead on arrival in those states too," he said.

Voters showed their environmental commitment by approving Amendment 16, which changes how state trust lands are to be managed and puts the focus on preserving open space instead of making money. That proposal, strongly backed by Gov. Roy Romer, was approved by 52 percent of those voting.

Amendment 14, to ban most kinds of animal trapping, also won with 52 percent support.

Backers used vivid photographs of wounded animals, including some pets, to argue that new trapping restriction would help prevent indiscriminate, cruel suffering by animals caught in traps.

Voters said no to expanding gambling, rejecting Amendment 18 that would have allowed Trinidad residents to vote to have gambling there. The amendment drew only 31 percent support.

Amendment 12, instructing state lawmakers to vote to call a U.S. constitutional convention to limit congressional terms, passed with 54 percent voter approval.

Amendment 13, which would have established uniform petition procedures for state and local governments, was rejected by 69 percent.

And 66 percent said yes to Amendment 15, campaign finance reform.

Voters rejected a proposal offered by the state Legislature to make it harder to amend the Colorado Constitution. Referendum A would have required 60 percent approval by voters before the state Constitution could be amended.

Voters also decided three other referenda:

■ Referendum B, increasing the time period for mailing ballot information from 15-20 days to 30 days prior to an election, passed with 55 percent support.

■ Referendum C, allowing the Legislature to establish qualifications for county sheriff, including training and certification requirements, passed with 56 percent support.

■ Referendum D, which would have permitted unemployment insurance taxes to be increased without voter approval and exclude the tax revenues from government spending limits, was defeated. Seventy-one percent of voters casting ballots voted against it.

# ~~BASIN BULLETIN~~

## Local agriculture seen as a key to our economy

By David Eppich

I have written about agriculture in several of my columns over the past few years.

Some citizens in the Four Corners may wonder why I consider this topic to be so important. One explanation is a statement by Allan Savory, a noted authority on resource management: "When agriculture fails, all other industries fail."

The work the San Juan Forum has done in developing sustainable agriculture in the Four Corners will continue because the organization understands the importance of this industry to our economy and community. Allan Savory has also noted that "new decision making in agriculture must be economically, socially, and environmentally sound." This premise is one of the underlying factors in value-added agriculture.

The Forum is working in conjunction with the United States Department of Agriculture, University of Arizona, New Mexico State University, Utah State University, Colorado State University, and other entities in con-

tinuing efforts to develop a sustainable agricultural economy using value-added agriculture as a key component.

[The term "value-added agriculture" refers to the idea of processing raw agricultural products, such as beans, close to their sources to provide added value and more income for producers.]

An initiative that has been under development for over a year will be kicked off at a conference in March 1997. The activity will be hosted by San Juan College in Farmington and will involve teams brought together from throughout the four states of Arizona, Colorado, New Mexico, and Utah.

Participation is also expected from Texas, Oklahoma, and Minnesota. This "train the trainer" conference sends teams of community members (private and agency) back to their respective communities ready to promote value-added agricultural enterprises and assist them to succeed.

One important aspect of this initiative is the addition of 4-H youth teams from the respective four

**Two recent articles have prompted me to briefly write about the Gross Domestic Product (GDP).** *The Economic Development Digest*, October 1996, writes about the GDP and a change in a view of government spending relating to the GDP.

It contains an article from the *Washington Post*, August 19, 1996, which notes that "until this year, the GDP classified all government purchases as consumption. ... That treatment didn't recognize that governments spend money on tangible assets that last a long time, such as bridges, roads, and schools." The *Digest* article discusses the change in Bureau of Economic Analysis methods for determining GDP, which "will now assist in determining what role government investment in infrastructure, education,

and facilities play in overall economic growth and development."

It will also help determine "how government investments impact local economies and the national economy".

Another article in *U.S. News and World Report*, October 21, 1996, discusses growth and the GDP. It states, "The problem with the nation's main index of progress, the Gross Domestic Product, is that it essentially totals up the final purchases in every sector of the economy.

The assumption is that the more Americans spend, the better their lives are getting. It makes no distinction between desirable and undesirable, only more or less. The result is a madcap accounting system that portrays misery and destruction as growth and gain."

The article points out that "car crashes add at least \$57 billion to the GDP, divorce an estimated \$10 billion to \$20 billion more ... The GDP includes both the billions Americans spend on food ... and the \$32 billion more they spend on diet and weight-loss schemes to help take off the resulting pounds.

... Americans spend nearly twice as much on private security devices as they spend on police (by way of taxes)."

The San Juan Forum has always maintained that economic development and quality of life must go together.

states as an integral part of the training

We can help achieve economic and community sustainability by including youth as active members in developing new segments of the future economy in which they will have to participate.

The San Juan Forum is particularly excited about this youth component and will continue to look for meaningful ways to incorporate our youth into planning and programs that affect their future.



As we continue to grow here in the Four Corners, we must pay careful attention to how we manage growth and plan strategically for the future. Observance of gross economic indicators locally, like the GDP nationally, will not give us a true picture of how good life is. We need to use all available information in planning the future.

Please contact me if you have comments or questions. Write to Dave Eppich, San Juan Forum c/o Fort Lewis College, Durango, CO 81301-3999. Or call (970)-247-7328. My e-mail address is eppich\_d@fortlewis.edu.

*(David Eppich, a Farmington native, is the executive director of the San Juan Forum and assistant to the president of Fort Lewis College.)*

**D. EPPICH**

## Vallecito: Rural or suburban?

**By Norris Rose**  
Special to the Herald

For more than 50 years now, Vallecito has been a crown jewel of Southwest Colorado. The pristine quality, the towering mountains, the beautiful lake surrounded by pine and aspen, the quiet and peacefulness of a resort area not yet "gone Hollywood" – or Telluride. The big question now: Will it remain "rural" or will it join the ranks of overcrowded resort areas that were formerly a bit of paradise?

The Oct. 1 Planning Commission meeting was attended by about 175 people. In addition, many who could not be present sent letters to the county requesting lower density. For most of five hours, residents and landowners gave reasons why the draft plan specifying possible density of two houses per acre should be amended. Only two who were present indicated agreement with the plan. They were developers.

Oct. 16, the La Plata County Planning Commission decided that the remaining open and undeveloped valley areas north of the lake could be developed at two houses per acre, if central services were available. They call this "suburban density," a name offensive in itself. The stated reason was to justify a central sewer system planners thought we needed. (Two commissioners voted against the plan.)

Two years ago, a number of residents and landowners became concerned. The Vallecito Land Use Association (VLUA) was formed and now totals more than 325 full and part time residents. Directors with backgrounds in management, law, medicine, military, engineering and resort management organized to plan ahead. We sent surveys to more than 800 people on the tax rolls and met with home owner organizations. The VLUA learned that the people wanted to retain a peaceful, quiet place for living or vacationing. In short, they did not want the valley to become overcrowded or overcommercialized.

Last year over 600 petitions

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Citizen input seems to have been largely ignored in our case. Our strongest desire – low density – has been thwarted. We did not ask to "shut the door," just to retain relatively low density.

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were signed and delivered to the county. Those petitions asked for low density of residential development, establishing specific areas for small commercial development, prohibition of multifamily units or condos, and preservation of rural atmosphere. Some of our ideas were included in the plan. Unfortunately, our prime objective – low density – was not.

There are a number of reasons why we are concerned about high density north of the lake. The health and safety of those in the valley is a prime consideration. We have only one road in and out of an encapsulated valley. Is that adequate at the time of a fire? Heretofore, fire experts have indicated we could all gather in open fields, but the plan now shows

most of them at two houses per acre or open to conversion to that density. Fire officials have suggested this area is not as bad as some others. Is it safe, however, and would a higher density level make it any less safe for residents, especially with the one road and more limited "safe havens?"

Water quality issues are very important, especially in light of the proposed new Vallecito water system which may supply drinking water to from 15,000 to 25,000 county residents. On the one hand, planners indicate that the valley should not have any more septic systems. The approved plan, however, includes provisions whereby a developer could provide central water (a large well?) and build 287 septic systems. Development of land already subdivided could result in another

200 to 300 septic systems. A valley-wide sewer system now being proposed by the planners, would be very expensive. Are residents going to be forced to subsidize a system required because of planning decisions made without adequate facts? So far, our discussions with water quality personnel have not given us any confidence that a community system would be a viable reason to increase density in our valley.

Citizen input seems to have been largely ignored in our case. Our strongest desire - low density - has been thwarted. We did not ask to "shut the door," just to retain relatively low density. Our 1995 petitions asked for three-acre minimums on undeveloped land, but a compromise of one to two-acres would have been acceptable to most.

One way to prevent or minimize problems in the future is to determine the impact of growth. Scientists and engineers can evaluate flood plains, geologic formations, hydrologic factors, topography, infrastructure, etc., to ascertain how many people an area will hold without damaging the environment. The results could provide a reasonable basis for planning density levels for an area such as ours. We have obtained a proposal for such an evaluation on this valley and have asked the county to join us in funding it. So far, the county has declined. One county official tried to discredit the idea of a study during the last meeting, although some other communities, such as Gunnison, have contracted for one.

We remain open to discussions with county officials concerning a more acceptable density level. Two houses per acre is not what we call "rural," not the common or typical level of development in our area, not reasonable from an infrastructure standpoint, and will not, in our opinion, enhance water protection.

Will the Vallecito Valley survive as we know it, or will we become a "suburb" with 4,000 to 6,000 residents and more than 140,000 visitors per year?

(Norris Rose is the president of the Vallecito Land Use Association.)

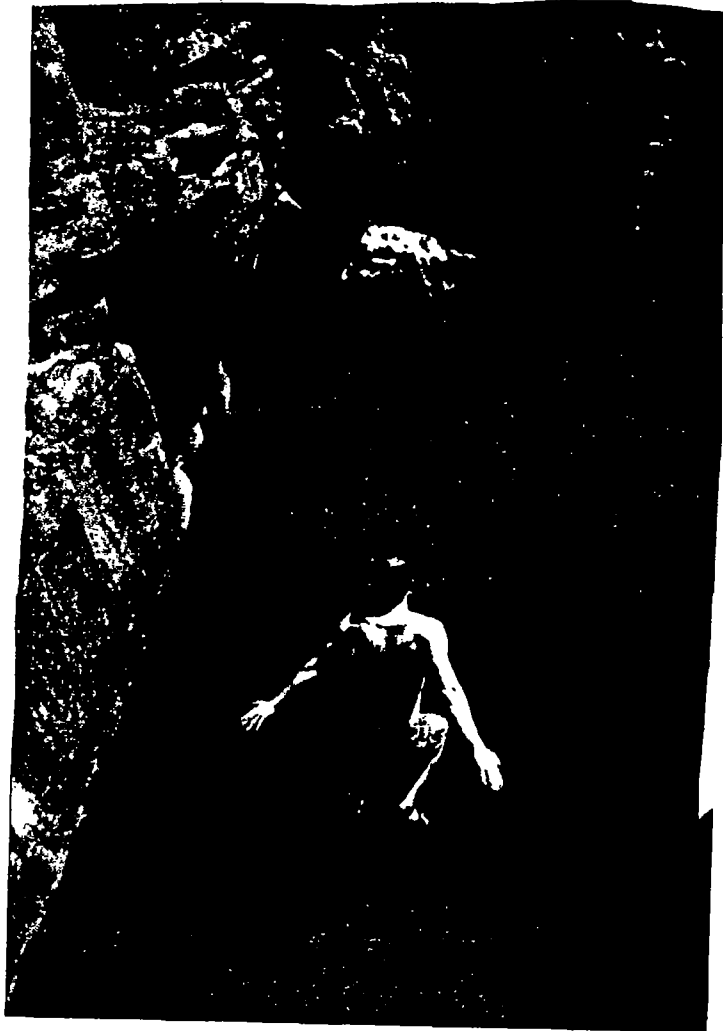


**KAYAKER BRAD** Higginbotham, a 21-year-old Fort Lewis College history major, makes a last run on Halloween through the Animas River's Upper Box and takes out below the Rockwood cutout, the last takeout before the unrunnable chasm of the Lower Box, where the river drops 200 feet a mile.





**BARON AND MAX** von Vogelberg, German shepherds, and their master, Celadon developer MacDonald Becket, peer into the narrow quarters the Animas River keeps in its Lower Box between Rockwood and Baker's Bridge. The Animas forced its way through Precambrian granite and carved a boulder-choked canyon as narrow as 25 feet in places. The access is on private land.



**THE ANIMAS** widens and quiets at Baker's Bridge (over County Road 250), where Hoytt Boles of Durango takes a late summer's leap into cold green waters.

# En purgatorio

## A view to heaven and hell

Photography by **Andrew Council** ❖ Story by **Electa Draper**

**T**he gorge of the Animas River holds the glory of heaven and the pain of hell.

Downstream of the Rockwood Cut lies the Lower Box Canyon. Its river-cleaved granite of red, gray and brown cast rises above the water's violence in shapes both smooth and stark, lovely and wicked.

The rock formed more than 570 million years ago, and the weight and wear of all those centuries is on view.

To anyone caught inside the narrow gash, the roughly two-mile-long Lower Box is a deadly trap with its own towering tombstones. The canyon has claimed lives.

But from the safety of the rim, 50 feet to many hundreds of feet above the Animas, the sight of the canyon is unbearably beautiful.

The Lower Box may be the very reach that earned the river its name, El Rio de las Animas Perdidas en Purgatorio. The Spaniards, some say the peripatetic padre himself, Father Silvestre Escalante, picked the name, which means the River of Lost Souls in Purgatory.

What is it like to be the landlord of a landscape of purgatory, a place, St. Thomas Aquinas

wrote, where one experiences hell for the purification of sins but can glimpse the heaven that awaits.

For MacDonald and Diane Becket, who bought several hundred acres along the gorge in 1987 from Pat Sherwood, the place gives them peace and contentment.

He named the place because of the color of the water – evocative of a grayish, yellow-green ceramic glaze used in China called Celadon.

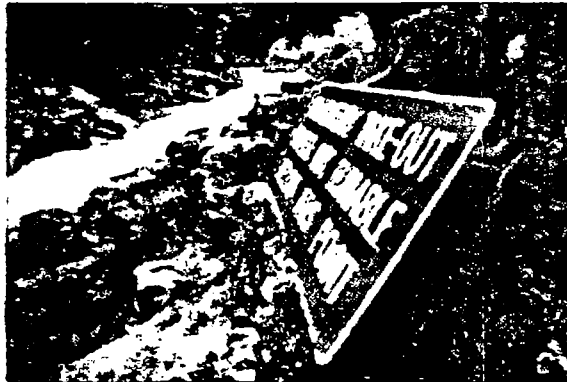
He has studied the terrain for a decade, and it still surprises him.

Becket has watched the river in all its moods, seen it rise 40 or more feet in its bed and heard it roar so loudly that conversation, thought itself,

became almost impossible. He saw the river slow late this summer and move almost delicately over its rock-strewn course.

But, as the mountains fill with snow this fall and winter, the power of every storm will wait for spring to be unleashed again in a torrent of water frightening and inspiring.

(EDITOR'S NOTE: This is the eighth installment of a series on the river called "The Animas: River of Souls Lost and Found.")



## WESTERN ADVENTURE

# Runoff solution near for river trout



**Ed  
Dentry**

Trout and trout fishing tourism have little muscle in Colorado, where rivers are directed by a complex web of antique water laws to behave more like conduits than natural systems.

But, at least on the Arkansas River, trout fishing tourism could get some consideration in the future. With some luck and a new climate of cooperation, next year's Caddis Festival could be a success.

The event was a blowout last spring. In late April — when the caddis flies started popping, trout started rising and anglers started arriving — currents rose to un-fishable levels along the upper Arkansas.

Teeth gnashed in Buena Vista, Salida and Cañon City, where the annual aquatic insect hatch spurs the tourist economy into action each spring. The muddy flood erased the famous caddis hatch. Anglers who annually make pilgrimages to catch and release wild brown trout between Buena Vista and Florence migrated elsewhere.

The villain wasn't early natural runoff, which sometimes shortens the insect hatch, but early releases from Turquoise and Twin lakes and Clear Creek Reservoir, high in the drainage. River flows more than doubled, reaching more than 1,000 cubic feet per second.

The timing of the releases

couldn't have been worse. Pueblo and Colorado Springs, owners of the reservoir water, might have been making a killing selling the water to farmers in eastern Colorado and Kansas. But hard times fell upon businesses along the upper Arkansas.

When the Buena Vista and Salida chambers of commerce complained, a roundtable went into action. In September, the Upper Arkansas Watershed Council, an assemblage of organizations and agencies with various, often conflicting interests in the Arkansas River, actually sat down to listen and talk.

"The chambers of commerce brought this up, along with the Collegiate Peaks chapter of Trout Unlimited and one of the rafting companies that runs fishing floats," said Jeffrey Keidel, coordinator of the 8-month-old council.

"It turned out there was a lack of understanding by downstream water holders, who didn't know this festival existed."

When the water owners discovered the plumbing problem they had created, they were eager to help. That's the job of the Upper Arkansas Watershed Council, Keidel said: communication.

The council is made up of cities and counties along the river, soil conservation and water conservancy districts, state and federal agencies, rafting outfitters, trout conservationists and others. It falls under a nonprofit umbrella group, the Sangre de Cristo Resource Conservation Council.

"We are an organization that recognizes that often there is a lot of unnecessary conflict in water use that is related to poor communication," Keidel said.

The upshot of the discussion was a non-binding agreement between water owners and recreational interests. The water owners — including the Colorado Springs Water Department and Pueblo Board of Water Works — agreed to limit water releases during the Caddis Festival whenever possible. The festival organizers agreed to add disclaimers to brochures warning that good fishing conditions can't be guaranteed.

"It's not a panacea," Keidel said. "But it's a first step."

Water providers suggested they exchange water in some years to avoid washing out the hatch. For example, water could be drawn from Pueblo Reservoir, farther downstream, to answer early irrigation demands on the plains. Those releases could be credited to Pueblo and Colorado Springs, which would repay the reservoir with upstream releases later.

It is unlikely such creative water juggling could have saved the upper Arkansas last year, because all the reservoirs were filled.

But such swaps hold promise for saving the upper Arkansas' superb spring trout fishing in other years. Maybe even next year.

And all it took was some honest discussion.

### MORE ONLINE

<http://www.denver-rmn.com>

**Bob  
Berwyn**



## San Juan powder seekers mine early white gold

Buckle your boots and strap 'em on, snow lovers. The powerful October storm that swept through the San Juans last weekend left the high country with a healthy autumn snowpack. Backcountry enthusiasts who took to the hills during the past week found good early season conditions throughout the range.

Lift-served skiing in Southwest Colorado began Friday with the opening of Wolf Creek Ski Area. The 30-inch base provided good early-season coverage on most trails, and the protected glades and higher faces harbored plenty of freshies. Powder seekers from around the country were on hand to help with opening-day "grooming."

Four lifts are operating at Wolf Creek, serving most of the mountain's terrain.

*(Story and photo, Page 3B.)*

The backcountry season is also underway. The splendid nordic terrain around Andrews Lake, for example, has coverage that will make touring skiers and snowshoers vodel with glee.

Parking was a problem at the Andrews Lake trail head last Tuesday. Six or seven cars were vying for spots on the narrow shoulder. State Trooper Lyndon Skinner stopped to assist, and said he has noticed a large increase in people using the backcountry during the winter.

Skinner, who has been patrolling the high country passes for 20 years, said people must be considerate and thoughtful when they leave their cars. "Traffic safety is our main concern. If you leave your car blocking the road, it might be towed." He said that in itself could create a dangerous situation. "Skiers might return to where they left their car at sunset, during a storm, only to find it is no longer there." That could be a recipe for hypothermia.

Paul Wilson, a patrol leader for the Department of Transportation in Silverton agreed. "You've got to get your car completely off the pavement, otherwise it's interfering with our ability to keep the roads open," he said. He added that if you see a plow coming by and there's no wide spot yet, the plow driver might widen it for you if you give him the room to do so.

Other options include digging out a spot for yourself with your shovel, or parking down the road in an area that already has been plowed, then skiing back to your destination.

Ski with care in the early season! Life-threatening terrain traps can include hidden drainages, partially buried rocks, trees and stumps, and semi-frozen ponds or streams.

The thick snowpack also means that avalanche season has begun. The Colorado Avalanche Information Center, which is scheduled to resume full operation on Nov. 9, has noted in a recorded message that the heavy snows of last week resulted in some to-the-highway slides near Red Mountain Pass. The number for the recorded message is: 247-8187.

All backcountry travelers must be aware of potential avalanche hazards and must act responsibly. Now's the time to check the batteries in your beeper — if you don't have one, get one soon! Take the time to learn how to use it, too. A couple drills will help build confidence in your partners and your gear. And don't go anywhere without your shovel.

Get to know the snowpack, and even the ground underneath your favorite backcountry shots.

Be sure all your equipment is in good repair before you get three miles into the backcountry. Check for loose or worn parts on bindings and boots, and make sure your skis and boards are waxed and tuned. May all your turns be sweet and safe this year.





HERALD ANDREW COUNCIL

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# Winter tourists targeted

By Amy Maestas

Herald Staff Writer 11/3/96

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■ See TARGET, Page 12A

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Continued from Page 1A

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Cordova, D&SNG marketing vice president, wearing a Disney tie at Friday's conference, responded to Hill with a thumbs-up sign.

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Other challenges are the lack of current meeting facilities for groups with more than 250 people, inadequate air service and a lack of cohesive effort to attract business and international groups.

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"Durango is unique because it has a positive image," Hill said.

# Business owners tackle concerns at focus session

By Amy Maestas

Herald Staff Writer 11/3/96

After a long year with a drought, wildfires and perennial rumors about who's going to buy the Durango & Silverton Narrow Gauge Railroad, the local chamber of commerce crafted its latest strategy to lure visitors to this area's changing landscape.

The Durango Area Chamber Resort Association held its annual Community Focus Friday at Tamar-ron Resort. At the forefront of busi-

ness people's minds were the changes Durango is experiencing as it continues to grow.

That growth, several business owners said, is part and parcel of living in a tourist-driven town. It's the tourists and new arrivals that keep the economy alive, but they aren't the only solution to some of the problems local business owners face - rising rents in downtown spaces, hard-to-find laborers, a competitive retail environment and, yes, slightly dipping numbers

■ See BUSINESS, Page 12A

## BUSINESS

Continued from Page 1A

of tourists.

These concerns were tackled by a panel of local business owners, which included Bob Nelson of Tamarron Hilton Resort, Antonia Clark of Toh-Atin Gallery, Shari Jones of Farmers Insurance, Fred Kroeger of Kroeger's Hardware, Frank Crail of Rocky Mountain Chocolate Factory and Bob Lieb of Durango Threadworks.

"If it weren't for tourists, we wouldn't be here," Clark said.

Clark also talked about the changes downtown business owners might see when Wal-Mart is build in the Highway 160/550 south corridor. She said the traffic patterns will change, taking more locals to the outskirts of town and away from the Central Business District. The factory outlets were intended to draw people downtown and from surrounding areas to do their shopping, Clark said, but the demise of

most outlets has changed people's patterns. Although most of these business spaces were quickly filled, rising rents on Main Avenue are affecting even long-time local business owners.

"Downtown rents are going up faster than sales," Clark said.

Fred Kroeger, a Durango native who has seen 60 years of changes, said there have been a lot of shifts in the business community that have had the impact Wal-Mart is anticipated to bring.

Kroeger deadpanned that he's been "against every one of those changes," but he said the presence of new businesses should not be seen as threatening, rather it should push business owners to sharpen their service.

"We can offer service and help to our customers Wal-Mart has never been known for," Kroeger said. "We have to sharpen up to coexist with them. It's not the end

of the world, we will survive."

While Wal-Mart's impending presence has made the community peer into Durango's future, some business owners still grapple with the long-standing obstacle of finding workers who can afford to live in Durango.

"This is a difficult environment to find long-time employees because of the cost of living," said Frank Crail.

Crail said running his candy business in a rural area presents problems with transportation, ground and air, as well.

There is a challenge in trying to have a community with character that relies so heavily on tourism, Crail added. People want the assets of beauty, but they also have to have a strong community in which to raise their families.

"Communities have to be careful when they focus totally on tourism," Crail said.

# ANIMAS

Continued from Page 1A

survive the elements.


"Animas City Mountain has more urban considerations than most wildland areas," said Cal Joyner, BLM San Juan Resource Area manager. "We're trying to adapt to the changing conditions brought on by the increasing diverse uses of the mountain. We need to continue to manage the area for wildlife while accommodating as many other uses as possible."

The "condition-based" seasonal closure will allow public use of the

popular hiking trails in mild winters, but close the mountain during heavy snow years to protect deer and elk habitat. Most seasonal closure are enforced annually at a set time, but this closure will be enacted only if and when conditions warrant. The pilot project is designed to answer the needs of both humans and wildlife, as called for in the current management plan, and will be reviewed annually for effectiveness.

The BLM and Colorado Division of Wildlife will measure snow depth

in the Junction Creek area and if the snow is 16 inches or deeper at higher elevations, Animas City Mountain will be closed to the public for herds to use it as winter habitat. When a closure is enacted, the entire mountain will remain closed at least until March 1, but not longer than April 15. The date of reopening will depend on snow measurements and whether or not herds are still present. The public will be notified of closure restrictions and signs will be posted at trailheads.

La Plata County Commissioners				
	District 2		District 3	
	✓ Baty (R)	Shine (D)	Anderson (R)	✓ Joswick (D)
La Plata County	8,308	7,974	7,508	8,723

## Joswick keeps post as county commissioner

By Dave Ojala 11-6-96  
Herald Staff Writer

Frank "Josh" Joswick was re-elected as the District 3 La Plata county commissioner by a 7 percent margin in a race many believe provides a snapshot of a political landscape evolving with the county's many newcomers.

Joswick carried 20 of 30 precincts in La Plata County, running especially strong in and near Durango. Four years ago, Joswick won in 22 precincts when running against incumbent Republican J. Paul Brown, a rancher, in a race that had many of the same features as this year's. Anderson, also a rancher, carried 10 mostly rural



Joswick

precincts, including two near in and near Joswick's home of Bayfield. But the numbers there were not enough to get him elected.

The campaign gave voters a clear choice, with Joswick promising good government and Anderson promising to keep government in its place. People definitely knew what they were getting in casting a vote for either man.

"It's gratifying to be re-elected in La Plata County," Joswick said.

■ See DISTRICT 3, Page 12A

COPIED ON NEXT PG

# Animas Mountain closure planned

Herald Staff Reports 11/5/96

With an increase to about 50,000 visitors a year in the past five years, the Bureau of Land Management has been forced to start a "condition-based" season closure on Animas City Mountain effective Dec. 1. A year-round leash law will go into effect at the same time.

Violation of either regulation can result in federal citations with fines from \$50 to \$100.

The leash law will resolve the increasing number of complaints and conflicts between dogs and people, wildlife and other dogs. All dogs must be restrained on a leash on the entire mountain at all times.

The mountain may be closed to public use at any time between Dec. 1 and April 15 if snow is deep enough in the high country to force the animals to lower elevations.

Increased recreational activity on the mountain on Durango's western boundary challenged the BLM to find creative ways to continue to provide quality recreation and important wildlife habitat.

Animas City Mountain offers important habitat for deer and elk during hard winters when the herds migrate to lower elevations in search of forage. During these stressful times, the animals need protection from human interaction in order to conserve energy and

Saturday, November 2, 1996 - Page 3A

## Avalanche office offers daily reports, forecasts

Special to the Herald

The Colorado Avalanche Information Center has begun operation of the Silverton Avalanche office.

Forecasters Denny Hogan and Andy Gleason prepare daily avalanche evaluations and forecasts for the Colorado Department of Transportation Highway Maintenance and Avalanche Control crews operating on the area's mountain passes.

Hogan and Gleason receive weather forecasts from the CAIC and the National Weather Service and blend this information with data generated through their snow-pack investigation and real-time weather observation to develop timely forecast products. Road closures and control recommendations are made as warranted by changing conditions.

The avalanche forecast program was initiated for the 1992-93 winter by the Colorado Department of Transportation for the U.S. Highway 550 corridor from Coal Bank Pass to Ouray, including Molas and Red Mountain passes. Also included is Colorado Highway 145, Lizard Head Pass.

Three remote wind speed and direction instrument packages will be installed along the 550 and 145

corridors. These systems, which also measure temperature and humidity, are located on the summit of Red Mountain 3 and at a 12,200-foot level on the south ridge of the East Riverside Avalanche Path.

The data is collected and transmitted from the sites to a base station at the Idarado Mine office on Red Mountain Pass, where it can be accessed any time from the Silverton office. A similar system is installed near Lizard Head Pass, near the Ophir Loop, which then transmits to a residence at Trout Lake.

The forecast team will also use snowfall and temperature information gathered by computer link from the Natural Resources Conservation Service SNOTEL measurement sites located along the two highway corridors.

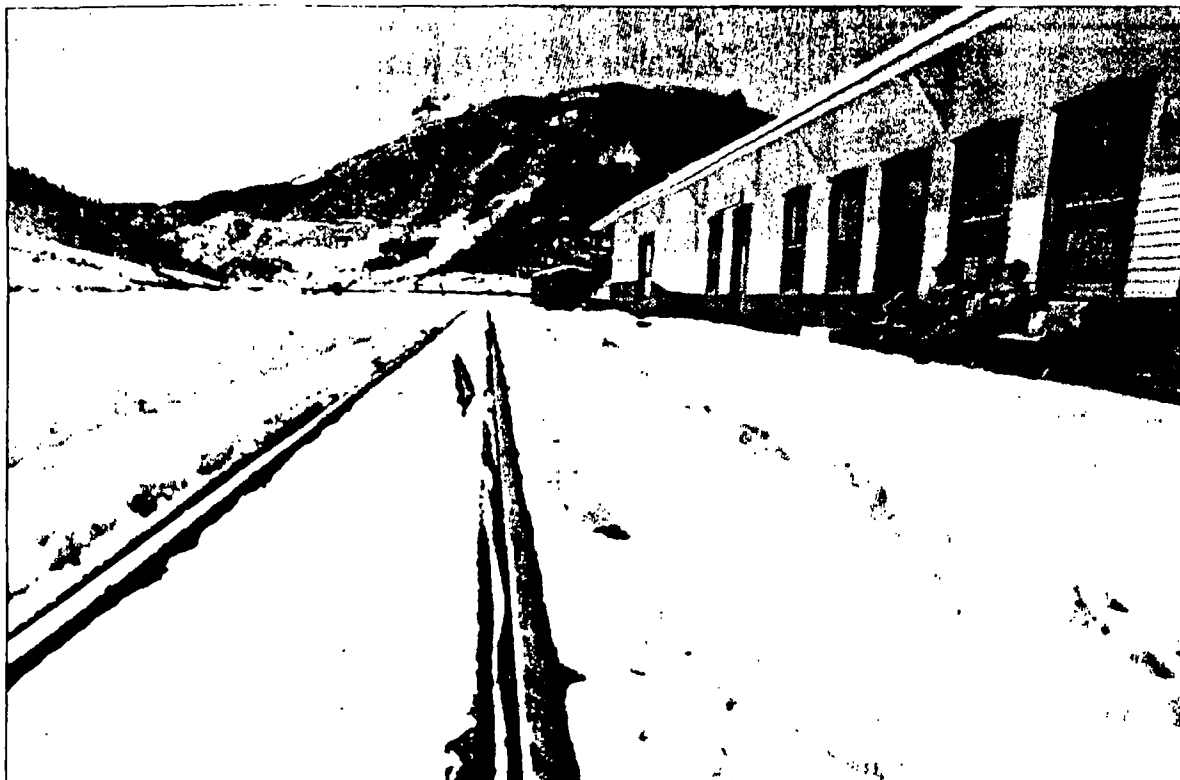
Statewide, the CAIC/CDOT Avalanche Reduction Program has six CAIC forecasters in place.

In addition to the Silverton office, forecasters monitor Wolf Creek and Monarch passes, Eisenhower Tunnel/Vail Pass, I-70 corridor and McClure Pass, Grand Mesa and other areas on an as needed basis.

For more information, call the Silverton Avalanche Forecast Office at 387-5712. The e-mail address is [silverav@frontier.net](mailto:silverav@frontier.net).

■ See ANIMAS, Page 12A

Cont'd on  
NEXT PG.



HERALD/ANDREW COUNCILL

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11/3/96

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Continued from Page 1A

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Continued from Page 1A

land, doing a "road show" with shareholders and potential investors. Monteleone told the *Herald* in a telephone interview 4 a.m. (his time) that the company wants to become a corporate citizen active in the local community. It is looking to enhance railroad features, such as the museum, and perhaps develop new ones. But it will do nothing very quickly.

"Don't make changes, learn first," is the company philosophy, he said. "To the passengers and the town, we will be invisible for a long time."

Bradshaw met with railroad employees Monday night at the Red Lion Inn in Durango to announce the sale. He wanted them to hear it from him first, he said.

"There will be no personnel changes," Bradshaw told the *Herald*. "There is nothing planned change-wise."

Monteleone said the senior management in place will stay in place for now. Ultimately, a general manager will be appointed to run the railroad. It could be someone from inside or outside the railroad.

Bradshaw said he never hung a "for sale" on the railroad but, "I've had people trying to buy it almost since the day I got it."

He purchased it from the Denver & Rio Grande Western Railroad in 1981 for \$2.2 million. The price included the track, buildings and rolling stock. He invested heavily in refurbishing equipment and improving the track.

"Mr. 'B' has spent more money than anybody can probably imagine to put the railroad in the condition it is in," said Dan McCall, D&SNG vice president and superintendent of operations.

Bradshaw said he bought the railroad because he wanted to diversify his interests and he always had been drawn to railroading.

He said the decision to sell was not motivated by money.

"I'm not built that way."

He said consideration was given, in this order: what was good for the railroad itself, good for the employees, good for Durango and Silver-



HERALD/ANDREW COUNCILL

**THE DURANGO & Silverton Narrow Gauge reportedly will be sold by February to Florida-based First American Railways Inc. Current owner Charles E. Bradshaw Jr. of Orlando said it will be business as usual for Durango's biggest tourist draw even after the sale closes. Summer operations are over, but the Cascade Canyon train is scheduled to begin running Nov. 27.**

ton and, lastly, he did it for the value received.

"It has been my goal since the very beginning to see the railroad was taken care of, to see the employees were taken care of when it came time to sell."

Monteleone said he was expecting good results with European investors.

"The Europeans are just crazy about the idea," he said. "One, they love railroads. Two, they love the Old West. And three, what's not to

love?"

Amos Cordova, D&SNG vice president in charge of public relations, said the railroad employs roughly 60 people year-round and about 200 during peak season. The railroad ran 1,200 trains this season and expects, with winter train numbers, to top 200,000 in ridership.

McCall said the railroad ran fewer trains this year but ridership is about dead even with last year; therefore, it was a more economical operation.

## FIRST AMERICAN RAILWAYS AT A GLANCE

First American Railways Inc., which intends to purchase the Durango & Silverton Narrow Gauge Railroad is a publicly traded Florida company.

First American was organized in February 1994 by a management team that reportedly has extensive experience in passenger rail, reports *Transport News* on its Web page.

First American's president and chief operating officer, Ray Monteleone, stated in a press release the company's mission is to provide "an innovative, quality, entertainment-based passenger rail service."

The company also is constructing a Florida Fun-Train line from south Florida (Fort Lauderdale, West Palm Beach and Miami) to Orlando. It would be the first such operation in south and central Florida.

"Our business is fun," Monteleone said Tuesday.

The company has no current operations and reportedly raised cash with stock offerings, according to brokerage company reports. It's traded on the NASDAQ exchange.

— Electa Draper

# Old-growth timber harvest called off

Herald Staff Reports 11/5/96

A decision to harvest the Dudley Timber Sale was withdrawn Monday by San Juan-Rio Grande National Forest Associate Supervisor Calvin Joyner.

The timber sale is proposed on 570 acres of forest about 18 miles east of Durango in Archuleta County. It was expected to harvest about 2 million board-feet in the Pagosa District's Dudley area.

The decision notice was signed in late July by Joyner and drew heavy opposition by groups such as Ancient Forest Rescue, which said

the logging would intrude on the area's last stand of pristine old growth in roadless forest. Ancient Forest Rescue, San Juan Earth First! and San Juan Citizen's Alliance appealed the Dudley Timber Sale in September.

John Whitney, a member of AFR, said the groups in opposition consider this withdrawal a significant victory in a long effort to stop the sale.

"If the Forest Service took an honest look at what the effects of their previous logging activities have been in regards to loss of wildlife habitat and impact to this watershed, they would be forced to admit that further logging in this area is

inappropriate," Whitney said.

The Colorado Environmental Coalition contested the proposed Spruce Creek Timber Sale in its case against the U.S. Forest Service.

In October, Colorado 10th District Court Judge Zita Weinshienk ruled in favor of the plaintiffs, citing the Saguache District of the Rio Grande National Forest had failed to clearly document its findings on potential impacts to sensitive wildlife species.

Weinshienk also found that the agency had failed to clearly document the potential cumulative impacts of the timber sale when added to other past, present and rea-

sonably foreseeable future actions.

Monday Joyner said the Forest Service is reviewing all pending timber sale decisions in light of the judge's decision to ensure environmental analyses are consistent with the issues raised in the ruling.

"Although we considered the cumulative and indirect effects on sensitive species habitat in the Dudley Timber Sale environment analysis, we want to review the way in which we documented these issues to ensure that they are explicitly addressed," Joyner said.

"We believe the San Juan National Forest withdrew the decision because it knew that it was going to

lose the appeal," Ancient Forest Rescue wrote in a press release.

"We believe it would have been better to let the Regional Forester (Elizabeth Estill) decide upon all of the issues raised in the appeal. We are confident that once again she would have found this sale to be in violation of federal law."

Forest Service officials said the Dudley timber sale is designed to produce wood products for the local timber industry, while reducing white fir competition, promoting Douglas fir and Englemann spruce regeneration and maintaining old-growth ponderosa pine.

## Bradshaw wants to sell train to Florida company

By Electa Draper 11/6/96  
Herald Regional Editor

Durango & Silverton Narrow Gauge Railroad owner and President Charles E. Bradshaw Jr. signed a letter of intent Friday to sell Durango's iron horse to First American Railways Inc. of Hollywood, Fla., for roughly \$20

million, a "substantial" amount of stock and a seat on the board of directors.

After years of persistent rumors the railroad was for sale, it's finally true.

First American, a publicly held corporation, will continue to run the railroad as an authentic 1880s coal-fired steam locomotive operation, said

Bradshaw, a Floridian, living in Orlando.

"Nobody has a lease on life," the 65-year-old Bradshaw told the *Herald*. "I feel it is time to pass the baton to somebody else who will run (the railroad) in the same manner and fashion that I have."

Bradshaw said Tuesday morning

the closing likely will take place by late January or early February.

First American first contacted him in June. The sale will be subject to three conditions: execution of the purchase and sale agreement, conclusion of a due-diligence review and First Railway's ability to obtain financing.

"I feel good in the fact that this is going to make the railroad a publicly held concern and do more to take the railroad many, many years into the future."

First American Railways President and Chief Operating Officer Ray Monteleone is in Geneva, Switzerland.

■ See TRAIN, Page 12A



# Southwest Life

Section  
C



## From the ground up

The James Ranch has learned to ally itself with nature, but the Animas River is a rough partner



**RANCH PATRIARCH** Dave James, above, has a vision of how he wants his ranch to look for the next 100 years, working with nature to replenish and protect the land. Justin James, 24, left, diverts his eyes and his breath from the smoke of the branding iron as brother-in-law John Ott applies the C Bar J brand of the James Ranch. Justin's brother, Danny, holds the calf by the feet.

and it taketh away.

It brings water and all its promise to the James Ranch, but it also takes away land and scours much of the path until it's barren and pale.

"The river has no regard for anything," says Dave James. "Anything that gets in its way just gets pounded. This river has torn my heart out."

For 20 years, Dave had a favorite spot on his 450-acre spread in the Animas Valley about 10 miles north of Durango. It was a riverside wetland offering seemingly endless bits of grace and beauty he called Lillard Marsh.

## The Animas: River of souls lost and found

"One day I went down there and it was gone, every bit, gone."

The river created it and the river destroyed it.

"Every spring the river whittles away at us," he says. This happens in spite of an old dike running the 1½-mile length of the ranch.

With gravel mining operations upstream and downstream of their property, the Jameses recognize there is a complex interplay of man and river in the valley. They don't have all the answers, but they know better than to count on the river.

"We do love it," Kay James says of the Animas. "You learn to live with it. We work hard to keep it from taking away the land."

What Dave really loves is the water taken from the river and controlled in a series of streams, ponds and ditches amid his cattle-dotted pastures.

"The river is not responsible for the beauty of the valley — irrigation," he says.

Down by the river, he adds, it looks like a "bombed out moonscape" of rock and scrubbed vegetation.

In the last few years, the Jameses have become disciples of Holistic Resource Management. They know their ranch, their land, their soil down to the last dirt clod. The valley's bottomland has shallow soil over rock with just seams of good soil. The northern part of the James Ranch has this shallow soil of sand and loam. The middle part is peaty, rich in organic matter. The southern end of the ranch is a beautiful



ANTONIO LOZANO has been irrigating for the Jameses for about 18 years. "It's a lost art," says Kay James. "Antonio is one of the last true irrigators in the valley."



JAMES RANCH cattle are bred to produce "a superior carcass on grass rather than grain," says Dave James, owner of The James Ranch and Valley Sweet Beef. Kay James, right, and her 3-year-old grandson, Gunther, come in from the fields during hay baling in July. "Nothing we harvest goes off of the land," Kay says. The same philosophy applies to the James family. Son Justin and daughter Julie with her husband John still work on the ranch.





HERALD/ANDREW COUNCILL

REBECCA JAMES, above left, patiently records weights during the weighing of calves in September. Calves are weighed to determine which are growing the fastest, ensuring the best stock is returned to the herd. Rebecca, a native of Spokane, met Danny James at the University of Washington where they crewed together. Life on The James Ranch this past summer was an adjustment for her. At right, daisies rim one of the manmade ponds on the ranch about 10 miles north of Durango. Dave James diverts the unpredictable Animas River into ditches, streams and ponds to transform the valley floor into verdant pastures.



## RANCH

Continued from Page 1C

sandy, loamy soil made in part by Hermosa Creek.

It was in this area where, in 1978, the Jameses, at a crossroads, subdivided and developed The Ranch - 110 acres with common areas and some 110 residential lots, of which some 90 are sold and, for the most part, have homes on them.

The Jameses developed The Ranch so they could preserve the other 450 acres, land they bought from an oilman when they were newweds in the early 1960s. But by the mid-1970s, they had not found the way to sustain themselves on the land.

Dave had run cattle and later dealt in registered breeding cattle. He says he was the first to bring Charolais breeding cattle to this bastion of Angus and Hereford. And, among other enterprises, he had a stint exporting Holstein dairy cows to the Philippines and other Oriental markets. While he traveled and enjoyed adventures, such as water skiing with President Mar-

cos, he says nothing provided financial stability for his family. Meanwhile, back at the ranch, Kay was raising five children.

"We asked ourselves, 'What are our assets?'" Kay says. "We had one - the land."

At one point, the Jameses had the ranch up for sale. They're grateful now they couldn't sell it.

They tackled residential development and learned that business as they have learned everything, Kay says, "from the ground up."

Durango wasn't the hotbed of real estate activity it is now, but Dave says he had faith in Durango. It was beautiful and it would grow. But his timing was terrible, he says, recalling the 20 percent interest rates of the 1980s. The Jameses were only able to hold on because they owned the land and hadn't borrowed heavily to acquire it. They stood firm for quality development, Dave says, and he wrote up tough covenants.

"We just pushed and pulled," Kay says. "We've seen tough economic times."

The Jameses established a tree

farm and nursery to landscape the subdivision, but those businesses, which Kay bought from Dave in 1988, still flourish as separate enterprises. And the business has expanded into revegetation of old mine sites, landfills and other disturbed landscapes.

It was about four years ago, about the time the Jameses grown children wanted to return to the land to work with their parents and raise their children, that Dave and Kay became believers in Holistic Resource Management, a system that advocates working with nature to make a living off the land while replenishing and protecting it. Kay sees a happy confluence of events with the children coming home and the Jameses' evolving study of Holistic Resource Management.

"We see and acknowledge God's guidance," she says. "We made mistakes, but each time we learned something. It's taught us how to love more, listen better."

"Sometimes when we try to will our way through things, we miss out."

The Jameses explain Holistic

Resource Management as harnessing the sun by growing a diversity of grasses that ably capture its energy. They harvest the grass by grazing cattle (they now run a composite breed, mostly red Angus). They've been selling the naturally lean meat of these grass-finished cows locally and as far afield as California and Texas. Carver's Bakery Cafe will use their meat. Mama's Boy in Hermosa features a Valley Burger. This past year they've added poultry to their production line.

The Jameses don't believe in throwing a lot of chemicals on the soil or relying on crops that require expensive machinery for harvest. These are practices that keep farm suppliers rich and farmers poor, Dave says.

"Grass is the only crop we should grow."

He takes his cues, not from traditional American agriculture, but from Africa's Serengeti Plain.

The Serengeti gets trampled on by heavy-footed animals in dense herds, yet more than 100 species of grass thrive, Dave says. Predators keep the grazing animals constant-

ly moving. The animals stand on the land, disturb the soil so water soaks in seeds take hold. Then the animals go away and stay away long enough to let the ground recover.

Dave keeps 150 head of cattle on 7 acres at a time. He moves them around and confines them using an electric wire as fencing.

Their dog, Roxie, a Great Pyrenees, guards the livestock. Coyotes aren't poisoned or shot, just run off. A Jack Russell terrier will join the family in January. His job will be gopher control.

The cattle's winter range will be on the Jameses' recently acquired Dolores River Ranch (and on 5,000 acres of BLM permitted land) near Slick Rock in arid Disappointment Valley. The Jameses are eager to test their ranching practices in that brittle environment.

"We're still students," Kay says. "We've got a lot to learn. ... And we want to show other people how to do this, too."

The James children, in their mid-20s to mid-30s, are welcome to come live on the land, their parents say. They must bring an enterprise

with them.

Eldest daughter Jennifer and her husband, Joe, will come in the spring from Dallas and build a home. Jennifer's enterprise is Meadowbrook Farm - fresh vegetables and flowers. Daughter Julie's husband, John Ott, manages the tree farm and nursery. Son Justin is the superintendent of revegetation operations. Two children are still elsewhere. Cynthia is in Dallas, Danny in Seattle.

Dave and Kay have set a goal as to how they want their land to look and produce for the next 100 years. A trust protects their dream for the two generations allowed by the tax code.

They hope their great-grandchildren, too, will be able to live on this land, an expanse of green fields studded with ponds and tall spruce, lined by massive cottonwoods along a wild river and framed by the brilliant red cliffs of the Animas Valley.

"We need to keep this piece of land open for the community," Dave says. "It may be one of the last places left to really see the valley."

# Students examine fish habitat, water quality

Special to the Herald D. H.

11/29/96

Southern Ute Tribal Wildlife Conservation and Environmental personnel have been helping Ignacio High School students analyze fish habitat and water quality in the Los Pinos and Animas Rivers.

The project is part of a class offered at Ignacio High School for Pueblo Community College credit. Fourteen junior and senior students receive high school and college credit for the class.

Instructor Julia Somers decided to add a field research component to the class to make it "come alive." According to Somers, the course is designed by PCC to be a three hour per week class, but Ignacio High School students meet for 95 minutes a day, five days a week.

"I decided that we would have a lot more fun and learn a lot more by using the extra time to get outside and apply what we are studying," Somers said.

The Southern Ute Tribe and Ignacio School District have supported this effort from the start. The tribe gave crossing permits to work on tribal lands in Ignacio and at Weaselskin Bridge. The district has supplied transportation.

This cooperation is a continuation of long-term agreements. The tribe has allowed Somers and her students to use tribal lands to study the Los Pinos River for the past five years as part of the RiverWatch Program for the Colorado Division of Wildlife. Also, the tribe has allowed Somers and her students to set up two vegetative study sites for the GLOBE environmental study program. Roy Craig allows them to conduct similar studies on the Los Pinos at La Boca.

In addition to giving permission and encouragement, tribal resource personnel have gone on field trips with the students to teach sampling techniques and to help them learn how to assess water and habitat quality and to make environmental measurements.

Cindy Crist, Fran King and Chester Anderson of the Tribal Environmental Division helped students assess stream velocity and volume discharge, pH, alkalinity, hardness and aquatic macroinvertebrate species composition. Steve Whiteman and Adam Red from the



**STUDENTS AARON** Gallero, far left, Paul Ruybal, third from left, and Jared Ezzel, foreground, listen as Steve Whiteman from the Tribal Wildlife Division explains how to electroshock. Adam Red waits in the background.

Tribal Wildlife Division informed students about fish habitat and ecology and helped students inventory fish species using electroshocking.

"It has been a great opportunity for the students," Somers said. "They can participate in real environmental science and catch the enthusiasm and commitment of people who enjoy their work. Students can find out if this might be a career possibility for them and what it takes to prepare for a future in environmental science. This approach supports the new educational emphasis in our district on 'School to Careers.'"

The environmental science class plans to analyze the data that the students collect in the field using computer spread sheets and graphing programs. They will make comparisons of the physical, chemical and biological parameters measured in the Los Pinos and Animas rivers for a final report at semester's end.



**STEVE WHITEMAN** of Tribal Wildlife displays a brown trout taken at the Ignacio Bridge.



HERALD/ANDREW COUNC

## Forest rebirth

D. H., 11/28/96

RAYMOND FROST SR., conservation coordinator, plants one of the last of 63,983 pinon pine trees on the Southern Ute Indian Reservation in Ignacio Wednesday. The planting program is intended to replenish 587 acres of semi-arid foothills that were destroyed in the July 1994 Black Ridge Fire, which burned more than 14,000 acres. These trees bring the total number of trees planted by the American Forest Global ReLeaf Campaign to 500,000. The campaign is sponsored by Eddie Bauer, a retail and catalog company.